

The Honorable Benjamin H. Settle

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

JOHN DOE #1, an individual, JOHN
DOE #2, an individual, and PROTECT
MARRIAGE WASHINGTON,

Plaintiffs,

v.

SAM REED, in his official capacity as
Secretary of State of State of Washington,
BRENDA GALARZA, in her official
capacity as Public Records Officer for the
Secretary of State of Washington,

Defendants.

NO. 09-cv-05465-BHS

DESIGNATED DEPOSITION
TESTIMONY OF Redacted
Redacted

Pursuant to Local Rule 32(e), Defendants Sam Reed and Brenda Galarza, Intervenors Washington Families Standing Together and the Washington Coalition for Open Government and Plaintiffs John Doe #1, John Doe #2, and Protect Marriage Washington (collectively, the “Parties”) hereby submit combined designated deposition testimony for Redacted

Redacted

Defendants and Intervenors object to the admission of any deposition testimony taken of any witnesses who could be called to testify at trial. Therefore, the designations of

1 Defendants and Intervenorors are being submitted in the event that the Court decides to admit
2 deposition testimony.

3 For the Court's convenience Defendants' designations have been highlighted in blue,
4 Intervenorors' designations have been highlighted in pink, and Plaintiffs' designations have
5 been highlighted in yellow. Objections have been noted in the margins. Plaintiffs will be
6 filing the redacted versions of these documents.

7 DATED this 6th day of September, 2011.

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9 Attorney General

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UNITED STATES DISTRICT COURT
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JOHN DOE #1, an individual; JOHN
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SAM REED, in his official capacity
as Secretary of State of Washington;
BRENDA GALARZA, in her official
capacity as Public Records Officer
for the Secretary of State of
Washington,

Defendants.

No. 09-CV-05456-BHS

Deposition Upon Oral Examination
Of

Redacted

Taken by: Tracey L. Juran, CCR
CCR No. 2699

September 28, 2010
Everett, Washington

Tracey Juran, Certified Court Reporter

APPEARANCES

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1 Be it remembered that the deposition upon oral
2 examination of Redacted was taken on
3 September 28, 2010, at the hour of 2:08 p.m. at 3501
4 Colby Avenue, Suite 200, Everett, Washington, before
5 Tracey L. Juran, CCR, Notary Public in and for the State
6 of Washington residing at Edmonds, Washington.

7 Whereupon the following proceedings were had,
8 to wit:

9 * * * * *

10 Redacted, having been first duly sworn on
11 oath by the Notary Public to tell
12 the truth, the whole truth, and
13 nothing but the truth, was deposed
14 and testified as follows:

15 EXAMINATION

16 BY MS. EGELER:

17 Q. Redacted, as I stated earlier when we first met, my name
18 is Anne Egeler and --

19 A. Mm-hm.

20 Q. -- I'm a Deputy Solicitor General with the Attorney
21 General's Office, and I'm representing the defendants in
22 this case, Sam Reed's position.

23 Have you ever been deposed before?

24 A. Oh, I can't remember. I don't remember ever being
25 deposed. I may have been.

Q. Well, I will remind you of a few rules that we have.

1 Our goal here is to make sure that we make things easy
2 for our court reporter. She's writing down everything
3 that we say today. So if you and I can be careful not
4 to speak over each other, she'll be able to get a better
5 transcript of what we're saying. And it's also
6 important that we say yes or no rather than use head
7 nods or mm-hms, because those aren't clear in the record
8 either.

9 And then finally, if you have any question about
10 what I'm asking you, if it's confusing or you need
11 clarification, please let me know. I certainly don't
12 want to mislead you, and it's important that we
13 understand each other as we proceed through this. Okay?

14 A. Yes.

15 Q. Would you like a glass of water before we start?

16 A. Sure. Thank you.

17 Q. [Redacted], can you please begin by stating how long you've
18 been a [Redacted].

19 A. I have been through [Redacted]

20 Q. And do you hold any other employment currently?

21 A. No.

22 Q. And was that the case in 2009 as well?

23 A. Yes.

24 Q. Are you aware that you were named as a witness in the
25 Doe v. Reed case?

1 A. Yes.

2 Q. And when did you become aware of that?

3 A. Sometime within the last year.

4 Q. And are you aware that that may require you to testify
5 publicly in federal court?

6 A. Yes.

7 Q. And is that something that you would be concerned about
8 or is it something you're okay with?

9 A. Depend on the timing. If it happens during Redacted it
10 would definitely be a problem.

11 Q. But your concern would not be with the public nature of
12 the proceeding in court?

13 A. No.

14 Q. Did you do anything to prepare for your deposition
15 today?

16 A. I drove here and tried to find a place to park.

17 Q. I apologize for that challenge.

18 A. I've been there, done that before and I know it's always
19 a problem, and I never can figure out why they don't
20 have parking around this building. But anyway, I always
21 forget at the last minute, that's right, you need to
22 allow another half hour for parking.

23 Q. And did you bring any records with you in response --

24 A. Yes, I did.

25 Q. -- to the subpoena?

1 If I --

2 A. I brought --

3 Q. -- could take a quick look at those.

4 A. -- two items you may have.

5 Do you need clarification in any way?

6 Q. I will ask you questions about these in a bit. We'll --

7 A. Okay.

8 Q. -- definitely get to this.

9 But for now, I just want to ask, is this -- this is
10 all that you found in response to the subpoena, though;
11 correct?

12 A. All that I found?

13 Q. Well, the subpoena asked you to bring all records in
14 paper or electronic format discuss --

15 A. This is the subpoena that I have (indicating).

16 Q. Yes.

17 A. Okay.

18 Q. And I am referring to the paragraph just under the
19 heading.

20 A. Mm-hm.

21 Q. It says you are --

22 A. Okay.

23 Q. -- you are commanded --

24 A. Mm-hm.

25 Q. -- to appear and bring with you --

1 A. Mm-hm.

2 Q. -- all records, just to paraphrase, that refer to
3 threats or harassment, et cetera. And I just wanted to
4 be clear that you've had a chance to look for such
5 records and these two documents (indicating) reflect all
6 that you were able to locate; correct?

7 A. Everything else is in my head.

8 Q. Do you recall signing the R-71 petition?

9 A. Yes.

10 Q. And do you remember where you were when you did that?

11 A. No.

12 Q. And before there was an R-71, did you participate in
13 planning the referendum or meeting regarding a proposed
14 referendum?

15 A. Well, if you will remember, the referendum is a direct
16 result of the legislation. So naturally, I was involved
17 in the legislation. So I don't know if that would
18 qualify in your mind or not, but certainly it did in
19 mine. What we dealt with in the Legislature was a
20 direct result -- or this -- I should say R-71 was a
21 direct result of what happened in the Legislature.

22 Q. And how were you involved with the legislation? Were
23 you a sponsor of the bill?

24 A. No.

25 Q. And did you go on record as opposing the bill?

1 A. Yes, I believe I did. Now, there have been several
2 pieces of legislation dealing with this particular issue
3 in one framework or another. And to be honest with you,
4 I cannot remember if I testified on this particular one
5 on the floor or not. That would be a matter of public
6 record and you could check it out.

7 Q. And prior to the legislation that spawned Referendum 71,
8 were you involved in the issue as a legislator of
9 domestic partnership?

10 A. Yes. In what way do you -- what -- I mean, involved?
11 Of course, I voted on it --

12 Q. Did you --

13 A. -- or against it.

14 Q. -- sponsor legislation in years past concerning domestic
15 partnership or same-sex marriage?

16 A. To be honest with you, I cannot remember. I know that I
17 have been involved in the fact that we've dealt with the
18 issue, I have voted. Whether or not I was a sponsor --
19 we deal with many, many bills, and I do not remember
20 sponsoring that kind of legislation.

21 Q. Have you ever taken a public stance regarding the
22 possibility of a state constitutional amendment
23 addressing same-sex marriage?

24 A. Have I taken a stance? You mean have I spoken against
25 it?

1 Q. Have you ever spoken in favor of creating an amendment
2 to the state constitution to prevent same-sex marriage?

3 A. DOMA, yes.

4 Q. And that's D-O-M-A?

5 A. Yes.

6 Q. And can you state what those letters stand for.

7 A. Isn't it terrible? We forget what acronyms stand for.

8 Q. I have to confess I've forgotten myself, but --

9 A. Yeah.

10 Q. -- I think it may be Defense of Marriage Act?

11 A. There we go. That's it; thank you.

12 Q. Can you explain your involvement with DOMA.

13 A. Redacted

14 Redacted

15 Q. And that was a case that was an action seeking a ruling
16 that denying homosexuals the right to marry would be a
17 constitutional violation, is that correct, if you
18 remember? I don't want you to say anything you don't
19 remember.

20 A. I know that there was a challenge to the bill that
21 passed. The legislation that passed was specifically
22 stating that marriage is between one man and one woman.
23 And there was a challenge to that in court and Redacted

24 Redacted

25 Does that help?

1 Q. It does.

2 A. I think I've got that right. This has been so many
3 years ago and this issue's been going on for so many
4 years, I get foggy on what overlaps with what. But I
5 believe that pretty well describes it.

6 Q. And that was, if you recall, approximately 2004; is that
7 right?

8 A. No, no, it was before that. I don't remember; I'm
9 sorry.

10 Q. But prior to 2004?

11 A. Yes, I'm sure it was. Seems like it was about 2001,
12 right in there. But there again, that's a matter of
13 public record too.

14 Q. And is it your recollection that Redacted, the
15 Attorney General's Office was defending your side of the
16 case?

17 A. My side of the case?

18 Q. Yes, in defense of the legislation. Again, if you don't
19 recall, that's all right.

20 A. I remember the attorney's name was Steve O'Ban, but
21 other than that, I don't remember. I was not in the
22 courtroom, so I do not remember.

23 Q. Do you recall if Bill Collins is a name that you --

24 A. No --

25 Q. -- recall?

1 A. -- I don't know that name.

2 Q. Let's turn to the time period after the legislation that
3 spawned Referendum 71 was addressed by the Legislature.
4 After the Legislature voted, did you meet with anyone
5 about a referendum?

6 A. Before it was drafted, you mean?

7 Q. Yes.

8 A. Not that I recall. I might have, but I do not recall
9 such a meeting as being before. I certainly talked
10 about it after it was filed. I do not remember a
11 discussion beforehand.

12 Q. And --

13 A. But again, that doesn't mean it didn't happen. I just
14 don't recall the timing.

15 Q. I understand.

16 Do you remember participating in the rally to
17 support traditional marriage on March 19th of 2009?

18 A. I believe -- in 2009, we would have been in session.
19 And was it in Olympia?

20 Q. Yes.

21 A. I don't recall, but --

22 Q. Don't recall?

23 A. -- but it's not to say that I wasn't there. We attend
24 so many rallies.

25 Q. I want to show you -- why don't we mark this as

1 Exhibit 1 to your deposition, and then we'll ask if
2 you're familiar with this.

3 [Off the record - discussion]

4 [Exhibit 1 marked for identification]

5 A. Well, then, I guess you didn't need to ask me the
6 question. You've got the evidence right here.

7 Q. (by Ms. Egeler) Well, this is a page --

8 MR. PIDGEON: Well, wait. Before you do that --

9 MS. EGELER: Excuse me.

10 MR. PIDGEON: Well, I guess I'll -- I am going to
11 post an objection on lack of foundation. But that's
12 okay, go ahead and proceed from there.

13 Q. (by Ms. Egeler) What's been marked as Exhibit No. 1 is
14 a page that I printed from YouTube, and I don't know if
15 you're familiar with this or not. I wanted to ask you
16 about this. And this is a videotape that contains what
17 appears to be a speech that you made at the rally in

18 Redacted Does that refresh your recollection
19 about that rally?

20 A. No, not at all. I can't read what that says there. Can
21 you? What does that sign say?

22 Q. Well, having seen it on the Internet, it looked like it
23 stated, "Don't bring Sodom and Gomorrah to Washington."

24 A. Okay.

25 Q. If you -- do you -- does this help you to remember that

1 rally?

2 A. No.

3 Q. Do you recall endorsing the referendum?

4 A. I think I previously stated that I did sign it. Is that
5 what you mean?

6 Q. In addition to signing, do you recall whether you
7 permitted Protect Marriage Washington to state that you
8 support reject R-71?

9 A. Yes. Was that the -- say that question again, please.

10 Q. I'm not sure if I'll be able to state it exactly the
11 same, but did you authorize Protect Marriage Washington
12 to state that you support the reject R-71 effort?

13 A. Yes.

14 MS. EGELER: Okay, let's mark this as Exhibit 2.

15 [Off the record - discussion]

16 [Exhibit 2 marked for identification]

17 MR. PIDGEON: No objection to this exhibit.

18 Q. (by Ms. Egeler) And, Redacted, you have what's been
19 marked as Exhibit No. 2 before you. This is a two-page
20 exhibit from the Redacted

21 And on the back of the first page, the second-to-the-
22 last paragraph --

23 A. Mm-hm.

24 Q. -- is attributed to you as a quote from you. Could you
25 please look at that and tell me if that's accurate.

1 A. Yes.

2 Q. It's a correct quote from you?

3 A. Yes, mm-hm.

4 Q. And they were authorized to post that?

5 A. Mm-hm.

6 Q. Pass out another exhibit for you.

7 MS. EGELER: If you'd mark this as No. 3.

8 [Exhibit 3 marked for identification]

9 Q. (by Ms. Egeler) And what we've marked as Exhibit No. 3
10 is a two-page exhibit from the Redacted Web
11 site. And, Redacted, if you could look on the back of
12 the first page, in the middle of the page, paragraph
13 number 7 is, again, a quote attributed to you. If you
14 could review that and tell me if you authorized this Web
15 site to post that.

16 A. Yes. I see it as essentially the same as the one in the
17 second exhibit.

18 Q. And they -- this Web site had authority to post that
19 statement of yours?

20 A. Well, to say a Web site has authority, I don't -- quite
21 describes --

22 Q. Do you --

23 A. Let's just say that this was a statement that -- I would
24 have said it, and certainly the First Amendment to the
25 Constitution guarantees their right that they can post

1 it if they wish.

2 Q. Did they ask if they could post this?

3 A. I don't remember. I certainly have no objection, but I
4 don't remember them asking me specifically.

5 MR. PIDGEON: Okay, and I want to go back also and
6 I'm going to post another objection to this exhibit.
7 And I want to be specific on this objection. One
8 objection that I have in terms of downloads from the
9 Internet is that this particular download does not
10 indicate the date of the posting on the Internet and it
11 does not indicate the time of the download. So the long
12 and short of it is that the objection is on the basis of
13 insufficient foundation and unreliability of the
14 document.

15 MS. EGELER: And I'll respond to that by stating
16 that this Web site chose not to state when this was
17 uploaded onto its Web site. But the date that it was
18 downloaded and printed appears on the lower-right-hand
19 corner of each page of the document.

20 MR. PIDGEON: So its download date is 9/28/2010?

21 MS. EGELER: Yes.

22 MR. PIDGEON: Okay, thank you.

23 A. So that was today.

24 Q. (by Ms. Egeler) That was today.

25 A. So this could have been posted at any time; is that

1 correct?

2 Q. It could have, yes.

3 A. Okay.

4 Q. But it currently appears today on their Web site.

5 MS. EGELER: Okay, let's mark this as Exhibit
6 No. 4.

7 [Exhibit 4 marked for identification]

8 Q. (by Ms. Egeler) Exhibit No. 4 is from the

9 Redacted Web site, again, downloaded today,
10 September 28th, 2010. In the bottom third of the page
11 it states that, Redacted

12 Redacted

13 Redacted And I believe your
14 name, Redacted, appears about three quarters of the way
15 down that list. Do you see that?

16 A. Yep. Yes; sorry.

17 Q. And is this Web site correct in stating that you either
18 endorsed the campaign or served on the steering
19 committee?

20 A. Certainly I endorsed the campaign. Served on the
21 steering committee -- I do not remember serving on a
22 steering committee.

23 Q. So you endorsed, but do not recall serving on a steering
24 committee.

25 A. Correct.

1 Q. Did you personally gather any petition signatures?

2 A. One.

3 Q. Can you tell me about that.

4 A. My husband.

5 And let me say this: Gather, what does that mean
6 to you?

7 Q. Well --

8 A. Does it mean did I hand them a petition and say, would
9 you sign this?

10 Q. Yes.

11 A. Was I a petition gatherer in the sense of that?

12 Q. Yes.

13 A. I would say yes.

14 Q. But that was your only work to gain a signature to the
15 petition -- excuse me; let me withdraw that question.

16 That was the only signature to a petition that you
17 personally gathered.

18 A. I can't say that. You asked me if I remembered, and
19 that's what I remember.

20 Q. Do you remember attending any rallies for Referendum 71?

21 A. Well, you have a picture here that shows that I did. So
22 I hesitate to say, no, I didn't, but I do not remember
23 the time, the place. I attend a lot of rallies and that
24 may have happened. I do not specifically remember a
25 time and a place.

1 Q. Do you remember speaking in public about Referendum 71?

2 A. Then you're going to ask me what I said, and I don't
3 remember. I don't remember. I'm -- it's very possible.
4 As I said, I speak at many rallies, I'm at many rallies.
5 If I was there, I was probably asked to say a word or
6 two. But honestly, do I remember it? No.

7 Q. Do you remember if you had a Referendum 71 yard sign?

8 A. I don't. I don't even know -- did they have yard signs?

9 Q. Do you recall whether you donated to the campaign?

10 A. Yes, I did that.

11 MS. EGELER: Okay, we're on Exhibit 5 now.

12 [Exhibit 5 marked for identification]

13 Q. (by Ms. Egeler) And, Redacted, are you aware that
14 donations to campaigns of \$25 or more are public record?

15 A. I'm sorry?

16 Q. Are you aware that donations to political campaigns of
17 \$25 or more are public record?

18 A. Mm-hm.

19 Q. Yes?

20 A. Yes. You couldn't run for office and not know that.

21 Q. Absolutely.

22 And so you're aware, are you not, that those
23 donations are reported to the Public Disclosure
24 Commission by candidates and committees?

25 A. Yes. And -- however, they don't necessarily get

1 reported or recorded correctly. Example: I am not a
2 [Redacted]

3 Q. Looking at Exhibit No. 5, I believe that's where you
4 were pointing out that they've listed you in the entries
5 here for [Redacted] as --

6 A. Mm-hm.

7 Q. -- under "Occupation," [Redacted] And as
8 you've stated, you are not a [Redacted],
9 you're a [Redacted].

10 A. Mm-hm.

11 Q. But with respect to the contributions listed here, is
12 that accurate?

13 A. I would have to go back and check my own records. I --
14 obviously, the PDC does not always get everything
15 accurately. So to -- if you're asking me, are they
16 correct here, I don't know.

17 Q. Do you recall whether you made multiple donations to the
18 referendum -- excuse me; to Protect Marriage Washington?

19 A. I don't recall, but here it shows it. So I would have
20 to say if their records are correct, yes.

21 Q. Do you have a memory of making any contribution?

22 A. You mean do I remember writing the check?

23 Q. Yes. Even if you don't remember the amount, do you
24 remember writing the check to Protect Marriage
25 Washington?

1 A. Let me put it this way: I would assume that I did. Do
2 I remember it specifically? No.

3 Q. And there are a number of listings here for Redacted
4 Redacted Is that your husband?

5 A. Yes.

6 And I don't know if you're aware or not, but it is
7 the responsibility of whoever files to generally break
8 out the check in -- two people are the joint account
9 holders.

10 Q. And by that you mean, for example, if my husband and I
11 wrote a check -- or, rather, I wrote the check, but it
12 was on our checking account --

13 A. Yes.

14 Q. -- where both of our names appear, for a hundred
15 dollars, the PDC would need to report that as \$50 from
16 me --

17 A. No, no.

18 Q. No?

19 A. It's the responsibility of the person who's doing the
20 filing with the PDC. The PDC can take it either way,
21 but generally speaking, it is reported as two --

22 Q. So in that instance --

23 A. -- if they are joint account holders.

24 Q. So in that instance, the group that we've given money to
25 could report it as \$50 from myself and 50 from my

1 husband.

2 A. Generally, that is the case.

3 Q. And do you recall whether you and your husband file --
4 or, excuse me; contributed separately or does this look
5 to you like probably a single check was broken out, if
6 you would even know looking at this?

7 A. Yeah, I don't know. I mean, I really -- yeah. It's
8 weird. I don't know what to say.

9 Q. As you look at this, on the far-left-hand column, do you
10 see the word "Report" on --

11 A. Mm-hm.

12 Q. -- each line?

13 MS. EGELER: That we'll mark as Exhibit No. 6.

14 [Exhibit 6 marked for identification]

15 Q. (by Ms. Egeler) So I clicked on that word "Report" just
16 for one of the lines. I don't think we need to do this
17 for every single report. But are you familiar with the
18 Public Disclosure Commission reports that are filed by a
19 candidate or committee?

20 A. I try not to be. I have a treasurer that does all of my
21 filings, and I want to know nothing about it.

22 Q. Well, this is a report regarding Protect Marriage
23 Washington and --

24 A. Mm-hm.

25 Q. -- contributions. And if you could turn to the back

1 page --

2 A. Mm-hm.

3 Q. -- on the second and third lines -- or boxes of the back
4 page, it lists Redacted and
5 contributions on Redacted Is the address
6 listed correct?

7 A. Yes.

8 Q. And we've talked before about the fact that the
9 occupation is incorrect, is that right, on the box for
10 Redacted ?

11 A. Oh, yes, that is incorrect. I'm a state senator, not a
12 state representative. But that's a common mistake that
13 often happens.

14 MS. EGELER: Then one last exhibit. We'll mark
15 this Exhibit No. 7, I think.

16 [Exhibit 7 marked for identification]

17 Q. (by Ms. Egeler) And what we've marked as Exhibit 7 to
18 your deposition is a page printed on September 16th,
19 2010, from the Redacted site.
20 Are you familiar with this letter that appears on this
21 exhibit?

22 A. If I read it, I might be. Do you want me to read it?

23 Q. Please.

24 A. The whole thing?

25 Q. Until you can determine whether or not this message that

State Objects to Exhibit 7, hearsay, lack of foundation;
impermissible lay witness testimony under ER 701.

1 appears under the headline, [Redacted]
2 [Redacted] exclamation point, is
3 something that you actually wrote.

4 A. Okay, what was the question again?

5 Q. Do you recognize this letter as something that you
6 wrote?

7 A. Yes. Not specifically I wrote, but I endorsed.

8 Q. And on page 2 (sic) of this Exhibit No. 7 --

9 A. Mm-hm.

10 Q. -- it ends with, "Sincerely," and a signature of
11 [Redacted]

12 A. Mm-hm.

13 Q. -- [Redacted] Is that your writing of
14 [Redacted]

15 A. Yes. Well, it's an electronic signature. Is that what
16 you're asking me?

17 Q. Did you authorize an electronic signature of this
18 letter?

19 A. Yes.

20 Q. And did you state to [Redacted] that
21 they could post this on their Web site?

22 A. Yes.

23 Q. So now I wanted to ask you about anything that you
24 perceived as harassment or threats that you suffered as
25 a result of your association and involvement with

1 Referendum 71.

2 A. Well, it started with -- and I don't know what point it
3 started. I can't give you dates specifically. Here
4 (indicating) you see a date of 11/27/09.

5 MS. EGELER: Let's mark that as Exhibit No. 8.

6 Q. (by Ms. Egeler) This is something that you produced in
7 response to the subpoena duces tecum; correct?

8 A. Yes, as per your request.

9 [Off the record - discussion]

10 [Exhibit 8 marked for identification]

11 Q. (by Ms. Egeler) What we've marked as Exhibit No. 8 is
12 a -- it looks like a photocopy of a letter that you
13 produced. And in the upper-left-hand corner there's a
14 date, 10/27/2009, Tuesday, 12, colon, 51, and a fax
15 number that appears.

16 A. Mm-hm.

17 Q. Can you please describe this exhibit for me.

18 A. It's a letter that I -- that was faxed to me as per the
19 fax number that you can see. [Redacted] is the phone
20 number, the fax phone number. And this is -- was sent
21 to me on my personal home fax machine.

22 Q. And on the fifth line down it states, [Redacted]
23 [Redacted] and, in parens, "bigot," and it has a fax
24 number that's a 360 number. But this didn't come in --

25 A. That's my fax number.

State Objects to testimony: Hearsay

1 Q. The 360 is.

2 A. Yes. That's my number that they're sending it to.

3 Q. So was this faxed to the 360 number or the 206 number
4 that appears at the top of the page?

5 A. No, this (indicating) is their footprint of the person
6 who sent it to me.

7 Q. So it was sent to you at the Redacted number.

8 A. Correct.

9 Q. Is that the fax machine at your legislative office?

10 A. No, no. This is my home, personal home.

11 Q. And do you know how someone would have obtained that fax
12 number?

13 A. Yes, I know exactly. In fact, that is not my fax
14 number, that is my home line. So if you'd like, I will
15 explain this whole thing to you. This is the result of
16 several harassing, nasty messages that were -- first of
17 all, they were to me personally. When I would answer
18 the phone, I would hear comments of my involvement --
19 against my involvement in the referendum.

20 And after I don't remember how many of those -- but
21 this is the line that I use to take care of my
22 legislative business. And how they got that number, I
23 don't know, but it is my husband's phone. My husband's
24 name is in the phone book, so I presume that's how they
25 got the number. And often it is also printed on

1 campaign brochures. So that could have been another
2 means by which they got that number, to answer that
3 question as to how they got that number.

4 So I answered a number of calls not realizing that
5 they were not something that I wanted to listen to,
6 thinking it was to do with my -- either personal or my
7 legislative responsibilities. And finally, they were
8 tying up my phone, number one, and number two, they were
9 very, very embarrassing and -- I guess if I could give a
10 physical response, they would make the hair stand up on
11 the back of my neck. And I certainly don't want this to
12 be used in any way for anybody in this room to take this
13 as they worked, so let's keep doing it.

14 Q. I understand.

15 A. I want to make that very clear. This is very, very
16 chilling experience.

17 Q. Can you tell me how many phone calls there were?

18 A. I would say there were -- well, finally, I stopped
19 answering the phone and they went to my answering
20 machine. And I know the number was 15 on my answering
21 machine. I can't tell you how many I answered
22 beforehand; I don't know. It was a very emotional, gut-
23 wrenching experience.

24 Q. Let's start with the ones that you did answer and talk
25 about those in detail. I understand some of these

1 questions are unpleasant and I'm asking you possibly to
2 repeat something ugly.

3 A. I can't repeat them. You know what happens when you've
4 had a traumatic experience? You blank it out. I happen
5 to know this and this (indicating) because it's in
6 writing. But quite honestly -- and I did not even
7 listen to all those messages. I deleted them.

8 Q. With respect to the phone calls, do you recall anything
9 that was said specifically?

10 A. The word "bigot" was used a lot and "bitch."

11 Q. And --

12 A. Those were two that really stick out in my mind. Beyond
13 that, be honest with you, I really blocked it out.

14 [Cell phone ringing]

15 THE WITNESS: Oh, excuse me.

16 Q. (by Ms. Egeler) Do you recall whether the caller said
17 anything about Referendum 71 or domestic partnership?

18 A. They must have, because I knew that's what it was. But
19 maybe it was just the language and the vitriolic
20 intimidation.

21 Q. So are you uncertain whether they mentioned
22 Referendum 71 or same-sex marriage?

23 A. I knew that's what it was.

24 Q. But do you recall specifically that they mentioned it?

25 MR. PIDGEON: Objection; asked and answered.

1 Q. (by Ms. Egeler) You can go ahead and answer.

2 THE WITNESS: I'm sorry; what'd you say?

3 MR. PIDGEON: You can answer.

4 A. I remember the words "homosexual," but I don't remember
5 it in specific reference to this (indicating).

6 Q. (by Ms. Egeler) And by to this, you mean to --

7 A. I mean --

8 Q. -- Referendum 71?

9 A. -- to Referendum 71, yeah; excuse me.

10 I don't recall that they actually said, because
11 you're involved in Referendum 71, we are calling you. I
12 don't recall that. But I -- there was no -- there was
13 not a doubt in my mind. Just -- because I don't get
14 these kinds of phone calls. I mean, you know, people
15 are generally very polite and intelligent sounding.
16 These were obviously people who had an agenda that I
17 fully understood.

18 Q. And how many calls did you answer?

19 A. I am thinking two to four before I figured out what was
20 going on.

21 Q. Were you able to determine what number the calls that
22 you answered were --

23 A. No.

24 Q. -- coming from?

25 A. No. I don't have caller ID.

1 Q. And did you afterward dial star 69 or any combination to
2 try and find that phone --

3 A. You know --

4 Q. -- number?

5 A. -- it was such an emotional -- I did not dial star 69
6 because it was a very gut-wrenching, emotional
7 experience. It was a kind of thing that made the hair
8 stand up on the back of my neck.

9 Q. Did you ask the individual who they were?

10 A. No, I didn't. I didn't --

11 Q. Did you contact --

12 A. I did not --

13 Q. Oh, excuse me.

14 A. Excuse me.

15 I did not want to engage them in conversation.

16 Q. Did you contact the police after these phone calls?

17 A. I mentioned it to my office and my office then proceeded
18 to contact our security, because we do this at the

19 Redacted

20 Q. So your Redacted contacted Redacted

21 Redacted

22 A. I -- no. I asked them -- my office staff what I might
23 be able to do with Redacted, because that's
24 what we usually do in these cases. And she said,
25 because it is an initiative, we -- our office is not

1 allowed to be involved in this. But -- and being it was
2 a phone call, no.

3 Q. Was it --

4 A. If they had threatened me with -- when you are in the
5 Redacted, for example, then we do. We definitely
6 report it and it is investigated.

7 Q. And the person who said that nothing could be done since
8 this was about an initiative, was that someone on your
9 staff or someone in Redacted

10 A. No, I did not talk to Redacted

11 Q. And --

12 A. Now, let me go -- let me continue this. So how did
13 they -- how did I get this (indicating)? What happened
14 when I continued to get the harassing phone messages
15 was, I had two choices: Turn my answering machine
16 office and just -- off and don't answer the phone. And
17 I knew that they would continue to tie up my phone line,
18 so instead, I called my office and said, I am forwarding
19 my lines to my fax number. It's a dedicated number.

20 So I forwarded to my fax number. And then calls
21 were coming in and they would naturally get the fax
22 tone, and then eventually they quit. Because I knew
23 that just turning my answering machine off or whatever,
24 they were going to continue to tie up my phone line. I
25 wasn't going to have use of my phone line anyway, so I

1 decided I would forward it to my fax-machine line. So
2 that's why they started sending this (indicating), was
3 because they heard the fax tone and then they could send
4 this.

5 Q. And by this, you mean what we've marked as Exhibit
6 No. 8.

7 A. Yes, and Exhibit No. 9.

8 Q. Which we will definitely get to, but I want to explore a
9 little bit more with you about the phone calls.

10 A. Okay.

11 Q. When your office staff advised you that Redacted
12 Redacted couldn't do anything, did you call the police?

13 A. No.

14 Q. And why not?

15 A. Because I went ahead and forward it to my fax line.

16 Q. And that took care of things.

17 A. Well, it did after two faxes came in. I think they
18 figured it out. And I only got two faxes. However --
19 excuse me -- the fax did ring a few times after I
20 forwarded it without anything coming in. I just
21 remembered that. It didn't stop immediately.

22 Q. And in reference to the phone calls, you've been using
23 the word "they." Do you think it was more than one
24 person that you heard on the phone?

25 A. They being the opponents of the initiative, I am

1 concluding.

2 Q. Did you hear more than one voice on the telephone calls
3 that you did pick up?

4 A. You mean did I hear a bunch of people in the background
5 yelling or something? Is that your question?

6 Q. Well, let's start with that.

7 Did you hear just one voice or did you hear people
8 in the background?

9 A. You have to realize the emotional impact of this. And
10 when you're hearing something that is foreign to the way
11 you generally communicate with people, number one, and
12 number two, that -- the disrespect and the vitriolic
13 attack, you don't much -- I could tell you they were
14 speaking English and I could tell you it was a man's
15 voice. I didn't have any women call. So beyond that --
16 was there more than one man's voice on the phone? I
17 don't recall that.

18 Q. In the two to four phone calls that you did answer, if
19 you're able to recall, was it the same man's voice, to
20 your --

21 A. No.

22 Q. -- recollection?

23 A. No. I definitely know it was more than one person
24 making different phone calls. And I don't know -- the
25 same man might have called more than once, but of the

1 calls that I answered, it was different voices.

2 Q. Was it always a man's voice?

3 A. I never had a call from a woman. If it was a woman, it
4 sounded like a man.

5 Q. And you mentioned that there were about 15 answering-
6 machine messages; is that right?

7 A. Yes.

8 Q. Are you sure of that number?

9 A. No. You said about and that's what I said.

10 Q. So could it have been more than 20?

11 A. I really believe it was -- you know, the number 15
12 flashes in my mind, but I could be mistaken in that.

13 Q. And did the answering machine record the phone number
14 that the call came from?

15 A. No. My machine does not do that.

16 Q. And do you recall what was said in any of those
17 messages?

18 A. Well, as I said, I listened to one, maybe two, and then
19 I didn't listen to the rest. I wasn't always present in
20 the room. Is that your question? I wasn't always there
21 to hear them coming in. I wasn't monitoring it per se.
22 So there were a few that I heard right after, you
23 know -- seemed like they came in within a matter of a
24 three-day period of time. And then I just -- I would
25 listen and knew that it wasn't any voice I recognized

1 and I would delete them. I did not listen to the --

2 Q. Do you --

3 A. -- a rant, I would call it.

4 Q. Do you recall the text of the -- of any of the messages
5 at all?

6 A. Well, other than what I've already told you, you mean?

7 Q. Yes.

8 A. I don't recall anything more than what I've already told
9 you.

10 Q. And when you say a three-day period, did that include
11 both the calls left on the answering machine and those
12 that you picked up?

13 A. When I forward -- when I figured out -- it took me a
14 while to figure out to forward my lines to my fax
15 machine. They stopped after they -- after a couple of
16 calls came in, they stopped, because they could hear
17 that I -- I presume they figured out what I had done,
18 that I'd forwarded it to my fax machine or somehow there
19 was a fax picking it up. These two (indicating) came in
20 as messages on the fax machine and that was it.

21 Q. So from the time that you first answered the phone and
22 had one of these calls --

23 A. Mm-hm.

24 Q. -- to the time that you forwarded the line to your fax
25 machine --

1 A. Mm-hm.

2 Q. -- how much time passed?

3 A. I would have to say I don't remember.

4 Q. So the three-day period you were referring to, what --

5 A. I said about three days, yeah.

6 Q. And what happened in that three-day time period? All of
7 this, the phone calls --

8 A. Yeah.

9 Q. -- you answered up through -- up until the time that you
10 forwarded to the fax machine?

11 A. Yes. At the time I forwarded it to the fax machine, I
12 had a few calls come in. And they would get a fax tone
13 and that was the end of it.

14 Q. And was that in October of 2009?

15 A. Well, there's the date right there (indicating). So --
16 and these came in -- this one, he didn't -- oh, yeah,
17 there is a date. There's the footprint (indicating).

18 Q. Well, we have on Exhibit No. 8 two dates listed. In
19 handwriting in the upper-left-hand corner and -- there's
20 a --

21 A. Right.

22 Q. -- handwritten date of 11, slash, 27, slash, 9.

23 A. Oh, good point.

24 Q. And then in the upper -- very, very upper-left-hand --

25 A. Yeah.

1 Q. -- top, we've got 10/27/2009 listed as a machine-
2 stamped --

3 A. Yeah.

4 Q. -- time.

5 A. Go figure. I don't know. I honestly don't know. Now,
6 over here, though, on this one (indicating) it's
7 October 22 and there is no date on -- handwritten date
8 on this one. So --

9 Q. I'm going to stop you right there, if I could.

10 A. Okay.

11 Q. We keep referring to this additional page, so let's mark
12 it as an exhibit so we'll have a clear record.

13 MS. EGELER: And this'll be Exhibit No. 9.

14 A. Now, that one says --

15 MS. EGELER: Just a moment, please.

16 THE WITNESS: I'm sorry.

17 MS. EGELER: Let her mark it.

18 [Off the record - discussion]

19 [Exhibit 9 marked for identification]

20 Q. (by Ms. Egeler) So just a moment ago, before we marked
21 this Exhibit No. 9 --

22 A. Uh-huh.

23 Q. -- which I'll identify as having a date stamp in the
24 upper-left-hand corner of October 22nd, '09 --

25 A. Mm-hm.

1 Q. -- and the time 05:47p --

2 A. Mm-hm.

3 Q. -- and it states, [Redacted] dash, [Redacted]

4 A. Mm-hm.

5 Q. Just a moment ago, you were pointing to Exhibit No. 9
6 and talking about the difference in dates.

7 A. Right.

8 Q. So that's where we were, and I'll let you continue.

9 A. Okay. I cannot explain the difference in dates in the
10 footprint. I call this (indicating) a footprint. It's
11 their stamp of their fax machine that -- when they send
12 it out. Because October 22nd -- I know these both came
13 in the same day. I know they both came in the same day.
14 So --

15 Q. And do you know whether they came in before the
16 election?

17 A. Yes.

18 Q. Yes, they did come in --

19 A. Yes.

20 Q. -- before the election?

21 A. Oh, yes. All this took place before the election.

22 Q. So the 11/27/9 that appears on Exhibit No. 8 must be --

23 A. Good point. That would have been after the election.
24 Good point, yeah. No, I can't explain that. No, this
25 was prior to the election. So I would say that he wrote

1 the wrong date. I'm -- I don't know. You can contact
2 Dr. Barry Burnett, Burditt, something. You can contact
3 him and ask him why he wrote 11/27. I suspect that he
4 wrote the wrong month, that he meant to say 10/27. I'm
5 just guessing, because that's -- that is -- that would
6 be more accurate, because this was before the election.

7 Q. And I'm going to take a wild guess that you did not
8 choose to call the man who sent this letter, this
9 Dr. Barry Brumitt or whatever his name is.

10 A. That is a very perceptive thought on your part. You are
11 exactly right, I did not call him.

12 Q. And --

13 A. I knew that I did not want to make an appointment with
14 this doctor, let me put it that way.

15 Q. Did you report these two faxes to any police officers or

16 [Redacted]

17 A. No. No, because, as I pointed out, this was a campaign
18 issue. And certainly when a [Redacted] is
19 threatened, we -- that's why I asked, was because I
20 wanted to know whether or not I had any grounds for
21 being threatened physically as a senator.

22 The State Patrol's responsibility is to protect
23 [Redacted], and they do that very well. And
24 anytime we have -- even outside of [Redacted] duties,
25 while we are on the [Redacted], they do protect us or they

1 do investigate, or if we're going to be speaking at a
2 meeting and we have been in any way harassed, they will
3 come out and provide security for us. And they
4 generally contact the local law enforcement and they may
5 also produce security.

6 Q. Have you ever had to call in Redacted

7 A. Yes, I have.

8 Q. Do you remember when that was?

9 A. Years and years and years ago. It was like -- we had a
10 gubernatorial candidate that was going to be speaking
11 and I was going to be present, and that person had had
12 harassing threats. And so since I was going to be at
13 the same meeting with this person, I called and asked if
14 that was grounds. And they said, yes, indeed, it was,
15 and they came out. That's how I happen to know that
16 they do provide that.

17 Q. And were you pleased with the services that they
18 provided, the Redacted?

19 A. There was no -- it wasn't necessary, as it turned out,
20 you know. And yeah, it was very comforting to have them
21 there. And they called, I believe, the sheriff -- I
22 don't think it was the local police, I think it was the
23 sheriff -- and they sent a deputy as well.

24 Q. And in this instance, though, you didn't feel
25 comfortable calling Redacted or you didn't feel the

1 need following receipt of these faxes?

2 A. I did not call. And here again, maybe I should have.
3 20/20 hindsight, maybe I should have, but I did not.

4 Q. And if you had called, do you think they would have
5 responded or would have ignored your calls?

6 A. Oh, no, no, they would have responded.

7 You know, you have to think twice about tying up
8 your law-enforcement officers. And so long as it did
9 not progress beyond phone and fax messages, I didn't
10 feel that it was necessary to bother them. If they had
11 come to my home, certainly I would have. And maybe they
12 did and I just didn't know about it. But I did not
13 know. Shortly after this, we put in a security gate, I
14 will tell you that.

15 Q. It sounds like, with respect to these faxing and calling
16 individuals, your plan was quite clever and did stop
17 them from continuing, though; is that right?

18 A. Yes. I don't know how clever it was. It was a
19 temporary -- I want to get away from this kind of a
20 feeling and how can I possibly get them to stop doing
21 this? And that was my strategy.

22 Q. Did you experience anything else that you felt was a
23 threat or harassment as a result of your involvement
24 with Referendum 71?

25 A. Personally?

1 Q. Yes.

2 A. I don't recall. Because I was not directly connected
3 with the campaign, I -- no. And I might add here too,
4 had I been directly connected -- in other words, had I
5 been working in an office or someplace where I felt
6 insecure -- I probably would have taken other measures.
7 But because I was not -- and this all happened in my
8 home.

9 Q. After the election, did you make any sort of public
10 statement in the media or in any campaign literature, on
11 any Web pages regarding same-sex marriage?

12 A. I don't have a Web page and I don't do that. I don't
13 recall.

14 Q. Have you worked on any Redacted issues that would
15 carry forward the issue of domestic partnership or
16 preservation of traditional marriage since the time of
17 the election?

18 A. There have certainly been -- you mean have we had
19 legislation beyond this, since this? Is that your --
20 I'm not clear of the question.

21 Q. I'm wondering if you've worked on anything in the
22 Redacted that actually has been dropped as
23 Redacted or any Redacted
24 regarding preservation of traditional marriage or the
25 issue of same-sex domestic partnership since the time of

1 the --

2 A. Initiative?

3 Q. Yes. And specifically, the election on the initiative.

4 A. I'm trying to put the time frame and the chronologic --
5 the sequence of chronological order in place. I don't
6 think so.

7 Q. So I think that the -- and correct me if I'm wrong.

8 Well, we know that the election occurred in November of
9 2009.

10 A. Right, a year ago.

11 Q. So you would have been in Redacted

12 after the election; correct?

13 A. Yes.

14 Q. And during the last Redacted, did you have
15 the opportunity to work on issues regarding protection
16 of traditional marriage or --

17 A. Or against it?

18 Q. Or against it, yes.

19 A. You know, we Redacted dealing with special
20 rights for homosexuals and -- golly, I'm trying to
21 think. I'm believing that the first one happened before
22 this and then the second one was to take the rest of it.
23 In other words, we Redacted a portion of domestic
24 partnership, which gave special rights to homosexuals in
25 regard to domestic partnership, one year and then the

1 next we [Redacted] the remainder. Do you understand what
2 I'm saying?

3 Q. I do, I do.

4 A. Okay.

5 Q. But you're not able to recall which [Redacted] addressed
6 the issue.

7 A. I should remember that. But quite frankly, I believe
8 that this (indicating) came after the second one, the
9 second half. The initiative came after the second half.

10 Q. Do you recall any threats or harassment you received as
11 a result of your involvement with Referendum 71 that
12 occurred after the election?

13 A. No.

14 MS. EGELER: Okay, I think that's all the questions
15 I have, so --

16 MR. STAFFORD: Steve, would you -- do you have any
17 questions?

18 MR. DIXSON: I just had one real quick question.

19

20 EXAMINATION

21 BY MR. DIXSON:

22 Q. [Redacted], this is Steve Dixson in Spokane,
23 Washington. I'm an attorney for the Washington
24 Coalition for Open Government. And recognizing the
25 inherent difficulties of participating by phone, I'll

1 try to keep this incredibly brief.

2 My question was to the content of the deleted voice
3 mails. And I think it was your testimony that you
4 listened to one or two and then deleted the rest; is
5 that correct?

6 A. Could you repeat that question. Did you call it an
7 elitist phone call? What did you say?

8 Q. No, deleted voice mails.

9 A. Oh, deleted.

10 Q. I'm sorry.

11 A. Oh, okay.

12 Q. So as to the deleted voice mails --

13 A. Yes.

14 Q. -- I think you testified that you listened to one or two
15 and then deleted the remainder?

16 A. Yes, after I would understand who was calling. And I
17 customarily do that to all solicitation calls as well.
18 I don't listen to them. I just find out that -- for
19 example, if someone calls and said, **Redacted**, I know
20 they don't know me and I delete them. I don't listen to
21 the message. So once I had determined that they were
22 not a message that I wanted to receive, I would delete
23 them, yes.

24 Now, let me make it clear that there were two
25 message -- two -- I think, two phone calls that I

1 answered. I did not give -- I did not allow it to go to
2 my answering machine. And they came in rapid succession
3 and then I let them go to my answering machine. And
4 then I recall that I left the house because I had -- I
5 don't know -- went to the grocery store, went to the
6 post office, had an appointment -- I don't remember --
7 and then that many others came in while I was not
8 present.

9 Q. So the voice mails all came in the space of one
10 afternoon?

11 A. You know, I believe so. I think so. I could be wrong,
12 but I know that I left my -- I notified the people that
13 I knew would be calling me to call my cell phone, that I
14 was not taking calls, and that my phone was forwarded to
15 my fax machine.

16 Now, there became a period of time where I began to
17 recognize that I was no longer hearing the beep on the
18 fax machine. People don't generally fax today; they
19 Email or something else. And so it didn't take me long,
20 because I don't get very many faxes. It didn't take me
21 very long to realize that when that fax tone stopped,
22 they had figured out and they quit calling that --
23 calling my phone. So then I discontinued the
24 forwarding. Now, the forwarding took place for a longer
25 period of time than what I was actually hearing it ring.

1 I don't know if I'm giving you more information
2 than you wanted, but does that answer --

3 Q. No, I want all the information.

4 So -- and then how -- two follow-up questions.
5 How -- were you able to determine whether or not the
6 voice mails, the brief time that you listened to each
7 one, were left by different people or the same person
8 repeatedly?

9 A. They were not the same person repeatedly. Now,
10 repeatedly mean -- does not mean that they, maybe,
11 didn't call twice; I don't know. But it was not the
12 same one person, let me say that.

13 Q. And finally, how did you determine that these were
14 messages that you did not want to listen to further and
15 could be deleted without listening to their entirety?

16 A. Well, had to do with the time frame. And I think I
17 explained that when people called in and it wasn't a
18 voice that I recognized -- strangers don't generally
19 call my home phone. When it's a Redacted,
20 they call my office. I have an indistrict phone line
21 where people can call to my office toll free from
22 anywhere in the district -- excuse me; anywhere in
23 Snohomish County. I don't think that works for Skagit.
24 Anywhere in Snohomish County, they can call my office
25 toll free.

1 So they don't generally call my home unless it's
2 some -- and when they do -- if somebody calls my home, I
3 generally recognize the voice, let me put it that way.

4 Q. So if you did not recognize the voice, you deleted the
5 message regardless of the content that may or may not
6 have followed.

7 A. Yes.

8 MR. DIXSON: Okay, that's all that I have. Thank
9 you.

10 THE WITNESS: Mm-hm.

11 MR. STAFFORD: Okay. All right.

12

13 EXAMINATION

14 BY MR. STAFFORD:

15 Q. And, Redacted, again, my name is Ben Stafford --
16 I introduced myself briefly in the hall -- and I
17 represent Washington Families Standing Together. Are
18 you familiar with that organization?

19 A. No.

20 Q. It's an organization that supported Senate Bill 568
21 (sic) and then opposed the placement of Referendum 71 on
22 the ballot. And I just have a few questions as well.

23 So starting, again, with the voice messages we've
24 been talking about, have you retained any of those
25 messages?

1 A. No.

2 Q. So you've deleted all of the messages during that time
3 period.

4 A. Yes. Certainly I would not want to have anyone else
5 hear them.

6 Q. So there's -- you didn't keep a copy of them in --

7 A. No.

8 Q. -- any way?

9 A. No, no. I have these two (indicating), these two
10 meaning the two faxes.

11 Q. The two faxes that are marked as Exhibit 8 and 9?

12 A. Yes.

13 Q. And with regard to, it sounds like, the two phone calls
14 during this period that you did take, you don't recall
15 anything that was said during those calls except the
16 words "bigot" and -- I'm sorry, but -- "bitch"; is that
17 correct?

18 A. As I stated earlier, I'm not naive in having heard
19 people use vulgar, foul language. And I heard vulgar,
20 foul language, four-letter words, et cetera, and I don't
21 care to repeat them now. And the reason I don't care to
22 repeat them is because it was not worthy of my even
23 retaining them. They were, in my mind, meant to
24 intimidate me and to scare me off, so to speak.

25 Q. And we looked at a fax from -- I think it was

1 Dr. Brumitt. We were having a little trouble with his
2 name, but --

3 A. Yeah.

4 Q. -- I think it's Exhibit 8.

5 A. Mm-hm.

6 Q. And why didn't you call Dr. Brumitt after receiving
7 that?

8 A. Why would I?

9 Q. What would lead you to think that you'd have no reason
10 to call him back?

11 A. Say that again.

12 Q. You said, why would you call him back. And I guess my
13 question is a little bit different. Why wouldn't you?
14 What about receiving that fax would make you not want to
15 call him back?

16 A. Well, you have to realize that this fax followed the
17 messages -- the first two messages that I heard and then
18 the other messages that I deleted. And it's obvious
19 from his writing that he had nothing to say that I would
20 want to talk to him about.

21 First of all, he has a title, doctor. Now, maybe
22 that isn't right. Maybe it's -- maybe that's false; I
23 don't know. But I believe that this message is
24 certainly beneath the professional conduct of somebody
25 who -- maybe he's a professor. He could be, I guess,

1 Ph.D. instead of an M.D. But certainly with the title
2 of doctor, to write a message like this is beneath the
3 dignity of his profession and it's beneath the dignity
4 of a woman that he would care to send this to. And no,
5 I have nothing to say to him.

6 Q. And what about that fax do you find beneath the
7 professional dignity of a doctor, be it a Ph.D. or a
8 medical doctor?

9 A. Well, first of all, he calls me a bigot. That would be
10 number one. He doesn't know me or, if he does, I -- you
11 know, he certainly didn't -- I don't know that I've ever
12 met the man. And I am not a bigot, number one. And
13 number two, there appears to be some ignorance about the
14 issue, because this is not about racism, which bigotry
15 generally implies. And so -- it's about a lifestyle.
16 And I found no reason to need to talk to him.

17 Q. Did you find that letter threatening?

18 A. Most certainly.

19 Q. What about that did you find threatening?

20 A. Well, just starting off with the word "bigot," I think
21 that is -- that's a threatening remark, because people
22 who use that word tend to not be thinking clearly.

23 Q. Thank you.

24 A. Mm-hm.

25 Q. So wanted to back up a little bit.

1 So you have been a [Redacted] for -- let's
2 see -- how many [Redacted] did you say it was?

3 A. [Redacted]

4 Q. So [Redac] is when you were --

5 A. Mm-hm.

6 Q. -- [Redacted]

7 And so how many times would you have been
8 reelected, do you recall?

9 A. Well, I was [Redacted], and then I was
10 [Redacted]

11 I mean -- excuse me; each -- no, not [Redacted] Each
12 [Redacted]

13 Q. And over the course of your career as [Redacted]
14 [Redacted], have your views on same-sex marriage changed
15 or have they remained the same?

16 A. I've been married for 50 years and marriage is between
17 one man and one woman and it's always been that way.

18 Q. And that's how you felt about that issue from the time
19 that you first became [Redacted]

20 MR. PIDGEON: Objection; mischaracterizes her
21 testimony.

22 Q. (by Mr. Stafford) Is that how you have felt since the
23 time that you first became a [Redacted]

24 A. Well, I've been in the [Redacted] and
25 I've been married 50 years. Does that answer your

1 question?

2 Q. So just to make sure that I understand, so from the time
3 that you first entered the Redacted

4 A. Mm-hm.

5 Q. -- in Redacted and you were married at that time --

6 A. Mm-hm.

7 Q. -- you --

8 A. Same man.

9 Q. -- to the same man, you have felt that marriage is
10 between one man and one woman.

11 A. Yes.

12 Q. And have you taken that position publicly since the time
13 that you first entered the Redacted

14 A. When necessary. Mostly -- I would like to say that it
15 has been assumed amongst most people. The majority of
16 people believe that marriage is between one man and one
17 woman, and it's not been necessary to state that in
18 previous years.

19 Q. So I am going to be handing you what we will mark as
20 Exhibit 10.

21 [Exhibit 10 marked for identification]

22 Q. (by Mr. Stafford) And, Redacted, do you
23 recognize what I've handed to you as Exhibit 10?

24 A. Yes.

25 Q. And what is this?

1 A. It's a Redacted

2 Q. And it indicates here that Redacted

3 Redacted

4 A. I was the Redacted

5 Q. So you were the Redacted ?

6 A. Yes.

7 Q. And that was introduced in Redacted

8 A. Yes.

9 MR. PIDGEON: I'm going to object as to the
10 relevancy of this exhibit.

11 Go ahead.

12 MR. STAFFORD: Yeah.

13 Q. (by Mr. Stafford) And this is -- and I'm just going to
14 read this and could you let me know if I read it
15 accurately. This is Redacted

16 Redacted

17 Redacted ." Did I read that --

18 A. Mm-hm.

19 Q. -- correctly? Okay.

20 And so you were the Redacted

21 A. (Witness nodded head.)

22 Q. Did you feel uncomfortable in any way Redacted

23 Redacted Did -- afraid in any way Redacted

24 A. Afraid of what?

25 Q. Of anything at all. Did it give you any fear that

1 something might happen to you if you Redacted

2 Redacted

3 A. I have never been fearful of Redacted

4 iRedacted

5 Q. After you Redacted, did you have any
6 reason to contact Redacted

7 A. During testimony?

8 Q. During the -- let's say the six months after you
9 Redacted, did you have any reason to contact

10 Redacted

11 A. I might have.

12 Q. Do you recall if you contacted Redacted?

13 A. Well, I did comment about the time that I spoke in
14 public and we -- let me see. That was -- would that
15 have been this year? I cannot remember. It was when
16 Senator Ellen Craswell was running for governor and we
17 were in a public meeting, and you heard me say that I
18 did contact Redacted at that time and asked for
19 security.

20 Q. And that --

21 A. Is that your question?

22 Q. And that was because Senator Craswell at the time, who
23 was running for governor, had received some threats.

24 A. Yes.

25 Q. And you would be appearing at the same location --

1 A. Yes.

2 Q. -- as her?

3 And so other than that incident that we've talked
4 about, have you contacted [Redacted] ?

5 A. Oh, yes, many times.

6 Q. And do you recall if you contacted [Redacted]
7 about anything to do with this [Redacted] ,
8 in particular?

9 A. I don't recall.

10 MR. PIDGEON: Again, I'm going to post an objection
11 under ER 402(b), which is that this evidence is being
12 offered to somehow predict that past behavior comports
13 with future behavior or present behavior. Excuse me; I
14 think it's ER 404(b).

15 Q. (by Mr. Stafford) And we talked a little bit about
16 DOMA. Do you recall that conversation?

17 A. Yes.

18 Q. And --

19 A. Here today, you mean?

20 Q. Today; sorry.

21 A. Yes.

22 Q. Yes.

23 A. Uh-huh.

24 Q. And did you [Redacted]

25 A. In the [Redacted] ?

1 Q. In the [Redacted]

2 A. Yes.

3 Q. And did you [Redacted]

4 A. Yes.

5 Q. And after your --

6 A. In fact, I believe I was [Redacted]

7 [Redacted]

8 Q. And the fact that you would have been a [Redacted]
9 would be a matter of public record?

10 A. Yes.

11 If it wasn't the [Redacted], it was a similar
12 [Redacted] In other words, there was one introduced in one
13 chamber and another one introduced in another chamber,
14 and to be honest with you, I don't remember which one
15 passed.

16 Q. [Redacted]

17 [Redacted] One of the two passed.

18 A. Yes.

19 Q. And you were the [Redacted]

20 A. In fact, I think that --

21 Q. -- one of them.

22 A. -- that -- I believe there was more than [Redacted]

23 [Redacted]. And that bill has quite a
24 history. I don't know if you want me to go into it
25 here. But we had more than [Redacted] that -- one of

- 1 them -- and I believe it was the one that I Redacted
2 Redacted
3 another Redac that went forward, I believe. And it could
4 have been Redacted ; I'm not sure.
- 5 Q. And do you recall receiving any threats in relation to
6 you being a Redacted
- 7 A. I remember receive -- I don't -- at my home I did not,
8 because I wasn't home. But when we were Redacted , my
9 office has had occasion to, yes. Now, was it
10 specifically that particular Redacte I do not remember.
- 11 Q. So over the course of your Redacted , it's the
12 case that your Redacted has received what you
13 would call a threat?
- 14 A. Yes.
- 15 Q. And you don't recall as to what particular issue that
16 was.
- 17 A. No. Redacted is a long time.
- 18 Q. Do you recall Redacted , which was passed in Redac?
- 19 A. No.
- 20 Q. Do you recall a Redac that prohibited discrimination
21 against gay people with respect to employment?
- 22 A. What about employment?
- 23 Q. Do you recall a bill that came before the Legislature
24 regarding discrimination against a person on the basis
25 of sexual orientation?

1 A. I don't remember the specific bill, no. What was the
2 number again?

3 Q. House Bill 2661. And I understand there's been a lot of
4 bills --

5 A. Yeah. I --

6 Q. -- over [Redacted]

7 A. Yeah.

8 Q. Do you recall House Bill 3104 that was passed by the
9 Legislature in 2008 --

10 A. No.

11 Q. -- regarding domestic partnerships?

12 A. No. You have to realize that the [Redacted]
13 are like two separate word -- [Redacted], and
14 I don't even know if that [Redacted]
15 Did it?

16 Q. Do you recall a bill being passed that established
17 rights and responsibilities for domestic partners? You
18 said there was a series of --

19 A. Yes.

20 Q. -- bills.

21 A. Yes. There were two.

22 Q. And --

23 A. Two --

24 Q. -- do you recall the --

25 A. Two that passed.

1 Q. -- first one --

2 A. Yes.

3 Q. -- that passed?

4 [Redacted]

5 A. [Redacted]

6 Q. And do you recall receiving any threats after you [Redacted]

7 [Redacted]

8 A. Keep in mind that I don't answer the phone in my office.

9 And it could be, because I do remember -- I remember

10 discussions. I don't remember the timing. And was it

11 that particular bill? To tell you the truth, I cannot

12 remember.

13 Q. So --

14 A. Do you remember my receiving those? Is that why you're
15 asking the question?

16 Q. I'm asking the question just to see what information you
17 might know.

18 So to your personal knowledge, do you know if you

19 received any threats in relation to [Redacted]

20 [Redacted]

21 A. I did not take any calls.

22 Q. So is that a yes, you don't, to your personal knowledge,
23 recall receiving any threats?

24 MR. PIDGEON: Asked -- objection; asked and
25 answered.

1 A. Yeah. I don't know how else to say it.

2 Q. (by Mr. Stafford) To your personal knowledge, do you
3 recall receiving a threat in relation to Redacted

4 Redacted

5 A. A personal threat or a personal recollection?

6 Q. A personal recollection.

7 A. I'd have to dig deep. I guess I would have to say off
8 the top of my head specifically to that question, no.

9 Q. Thank you.

10 You mentioned that you would have described
11 yourself as a petition circulator or a petition
12 gatherer?

13 MR. PIDGEON: Objection; mischaracterizes her
14 testimony.

15 Q. (by Mr. Stafford) Do you recall testifying earlier that
16 you were a petition gatherer?

17 MR. PIDGEON: Objection; mischaracterizes her
18 testimony. Objection as to form of the question.

19 Q. (by Mr. Stafford) Did you have anyone sign a
20 Referendum 71 petition?

21 A. Well, as I said, as is customary in our household, I
22 often receive petitions in the mail. And if I'm in
23 favor of them, I will generally sign them and ask my
24 husband to sign them, and he generally follows my lead.
25 And we are -- as I say, we've been married 50 years, so

1 we kind of think alike. And that is very possible. Do
2 I recall specifically? No.

3 Q. And I take the same position with my wife. I find
4 that's the best policy.

5 Do you recall asking anyone besides your husband to
6 sign the Referendum --

7 A. No.

8 Q. -- 71 petition?

9 A. No, I don't remember.

10 Q. And you mentioned, I think, that you at a certain point
11 began forwarding your phone to your fax line. Am I
12 saying that correctly?

13 A. That's right.

14 Q. Did you stop having your phone forwarded to your fax
15 machine --

16 A. Yes.

17 Q. -- at a certain point?

18 And about how long after you'd received these calls
19 was that?

20 A. Well, when it stopped ringing. And I'm trying to think.
21 It was three to five days, somewhere in there, that I
22 finally realized, hey -- because I'm not home all the
23 time, so I didn't necessarily sit and listen to see if
24 it was still ringing. But finally, I concluded that
25 this is past.

1 Q. And after you concluded that it had passed, you then
2 stopped forwarding your phone to --

3 A. Yes.

4 Q. -- your fax line?

5 And after you stopped forwarding your phone to your
6 fax line, did you receive any other calls of that nature
7 on your home phone?

8 A. I don't recall any. I don't recall. If there was, it
9 was not significant enough that I remember it. So no.

10 MR. STAFFORD: Okay, thanks. That's all I have.

11 MR. PIDGEON: Okay, I have just a few.

12

13 EXAMINATION

14 BY MR. PIDGEON:

15 Q. I have only a few questions, Redacted

16 If we could, let's begin with this Exhibit 1.

17 A. Okay.

18 Q. I want you to take a look at that. And just for sake of
19 clarification, now, you're not the one holding that
20 sign, right? That's someone else holding that sign?

21 A. Yes, that's correct. I'm not holding it.

22 Q. So the representation --

23 A. I'm gesturing with my hand, whatever I'm saying.

24 Q. So the representation that's made on that sign, which
25 reads something like, "Don't bring Sodom and Gomorrah to

1 Washington," is a representation that's being made by
2 somebody else at the rally and not you; is that correct?

3 A. That's correct. And I don't even know that that sign
4 was per -- had anything to do with the rally.

5 MS. EGELER: And if I can make a -- just a point of
6 clarification on the record, because I think, in looking
7 now at the picture, I understand your concern. And I
8 just want to represent that from the video, it was very
9 clear that you, Redacted, were not holding that
10 sign. So there's just no question there.

11 A. Can I ask a question?

12 Q. (by Mr. Pidgeon) I can't guarantee you'll get an
13 answer.

14 A. Well, my question, then, is, is this taken from -- is
15 this a still picture or is this from a clip?

16 MS. EGELER: It's a video clip on YouTube.

17 THE WITNESS: I see. Oh, I can see down here
18 (indicating) the things that -- okay.

19 A. So it's a video clip, but not of a continued testimony
20 per se?

21 Q. (by Mr. Pidgeon) I think I can answer that. Typically,
22 when you do a -- when you do this kind of a thing, it's
23 what's called a screen shot.

24 A. I see.

25 Q. And so even though this may be an active video, what

1 appears on the page is just a screen shot.

2 A. I gotcha.

3 Q. Now, on Exhibit -- let's see if we can find this -- the
4 exhibit that's the PDC record --

5 A. Mm-hm.

6 Q. -- this one here (indicating) --

7 A. Okay.

8 Q. -- where you are mislabeled as a Redacted --

9 A. Right.

10 Q. -- it is true that a Redacted

11 A. That's true.

12 Q. Right?

13 So --

14 A. Yes.

15 Q. So this could be true if this were, shall we say,
16 uncapitalized. Of course, it's all in caps, right?

17 A. Yes.

18 Q. So it could be an accurate statement that you were a
19 person employed by Redacted who did Redacted

20 A. That's correct.

21 Q. But it's inaccurate if it's used as a proper noun.

22 A. That's right. But this does -- this often happens.

23 Q. Understood. People that didn't follow the campaign
24 closely enough.

25 A. Either that or I was in a database as having been a

1 Redacted back when and that just kind of follows.

2 And the PDC could have made that mistake, but I don't
3 think that's the case here. I think it's probably
4 the -- what was filed.

5 Q. Now, in terms -- let's go, if we can, to Exhibit 8 and
6 Exhibit 9 --

7 A. Okay.

8 Q. -- again. I'd like to explore these just a little bit
9 more. Now, when you had the --

10 MS. EGELER: Just a minute, please.

11 MR. PIDGEON: Sorry.

12 Q. (by Mr. Pidgeon) When you had the phone calls directed
13 to the fax machine --

14 A. Mm-hm.

15 Q. -- do you have your phone set up in such a way that if I
16 were to call your home phone and you weren't home, it
17 would say, okay, you've reached the Redacted

18 Redacted, or whatever, but if you -- you
19 know, leave a message, but if you wait a certain period
20 of time, you can also leave a fax? Did you have it --

21 A. No.

22 Q. -- set up that way?

23 A. No, no. It's a dedicated line.

24 Q. It's a dedicated line.

25 A. This -- the fax machine is on a separate line totally.

1 Q. So you actually switched the lines?

2 A. I actually call forwarded my phone. From my home
3 number, I just call forwarded it to the fax number.

4 Q. Now, is it your experience that someone who might be
5 leaving threatening phone calls with lots of bad
6 language, if they knew it was going to be in writing,
7 they might mitigate some of that language?

8 A. I would expect so. But this is a -- I mean, the fact
9 that they would document this (indicating) in writing
10 tells me that the elevator doesn't go all the way to the
11 top. I mean, I just didn't think that was a very bright
12 thing to do. So --

13 Q. Well, let's talk a little bit about the phone calls that
14 you did receive. You mentioned that you may have heard
15 the word "homosexual." Is that true?

16 A. I said that? Okay. It would not have been that -- that
17 would be my interpretation. They would say gay, as he
18 (indicating) referred to it, you know, the way they have
19 taken the word "gay" and applied it to the homosexual
20 activities. So that's my interpretation of what was
21 said.

22 Q. Now, these phone calls, this was during the actual
23 course of the R-71 campaign, is that right, when this
24 flurry came in?

25 A. Yes.

1 Q. And is it your -- is -- are you -- is it your idea that
2 it pretty much came in around this time in October; say,
3 between October 22nd and October 27th? Is that about
4 the timing that all this happened, this flurry?

5 A. It was with -- this -- these came in the same day.

6 Q. The same day.

7 A. Yeah. So, see, these dates just don't -- I don't know
8 why they're -- but they came in the same day. And it
9 was -- and I know that -- I remember that because it
10 wasn't long after that that they stopped calling,
11 realizing that they were getting a fax. These two, for
12 some reason, decided that they were going to write out
13 their animosity.

14 Q. Now, taking a look at Exhibit 8 --

15 A. Mm-hm.

16 Q. -- let's look up here (indicating) at this signature
17 block up here.

18 A. Yes.

19 Q. Do you see where it -- where Barry Brumitt appears,
20 97 -- or 910 17th Avenue East, Seattle --

21 A. Mm-hm.

22 Q. -- Washington, 98112; Email address, barry6@gmail.com?

23 A. Yes.

24 Q. Do you see how that margin lines up like that?

25 A. I caught it.

1 Q. So it looks like the "Dr." has been added onto that,
2 doesn't it?

3 A. I caught that too.

4 Q. Is that why you thought that maybe he's not really a
5 doctor and he just kind of added that to it?

6 A. In the back of my mind, it was a thought, because more
7 than any -- I mean, you examine this and it doesn't
8 quite gel. Why would a doctor give himself away in this
9 fashion? And so I saw -- I mean, that's the first
10 thought: Why would a doctor do this? I mean, he's got
11 a professional business to run and why would he take
12 time, number one? Number two, why would he document
13 himself in that fashion? And then number three, you
14 look at this (indicating) -- and I did. I saw that too,
15 yeah.

16 Q. Interesting.

17 A. And it looks like an add-on. It doesn't say, M.D., it
18 doesn't say, Ph.D., he just puts "Dr." in front. So
19 maybe it was an afterthought. Maybe he decided, gee
20 whiz, I want her to know I'm really somebody important
21 and I think this about what she's doing. I don't know.

22 Q. But in this letter, he does call you misguided.

23 A. Mm-hm.

24 Q. Backward.

25 A. Mm-hm.

1 Q. Ignorant.

2 A. Yeah. Tragic.

3 Q. Tragic.

4 What is --

5 A. Coward?

6 Q. A coward?

7 A. I'm not -- no, no, this has a G on the end. I'm not
8 sure what that word is. Something. He writes better
9 than a doctor too.

10 Q. Let's take a look at Exhibit 9 for a second. In the
11 footprint --

12 A. Mm-hm.

13 Q. -- this indicates that it came in about 5:47 p.m.?

14 A. Mm-hm.

15 Q. And can you say -- can you see in the footprint whose
16 fax machine was being used here?

17 A. Jim Robinson and Jim Brown, yeah.

18 Q. Or Jim Richardson?

19 A. Richardson; excuse me. Yes.

20 Q. And this is signed by --

21 A. Jim. So I'm not sure which Jim sent it, but --

22 Q. And this particular exhibit has reference to rectal
23 exams --

24 A. Yeah.

25 Q. -- and about the misplacement of a head.

1 A. Uh-huh.

2 Q. Now, are you familiar with -- just one second.

3 Are you familiar with RCW 9A.46.020, the statute
4 that defines harassment?

5 A. No.

6 Q. Let me ask you, if you received a phone call that you
7 believed -- any phone call that you received, do you
8 believe that it was intended to substantially harm you
9 with respect to your physical, mental health or safety?

10 MR. STAFFORD: Objection; calling for a legal
11 conclusion.

12 Q. (by Mr. Pidgeon) Go ahead.

13 THE WITNESS: I'm sorry; what did you say?

14 MR. PIDGEON: His objection on asking for a legal
15 conclusion.

16 Q. (by Mr. Pidgeon) I'm just asking you your lay opinion
17 if you believe that the phone call threatened you with
18 harm to your physical safety or your mental health and
19 safety.

20 A. Oh, most definitely. Like I said, it just caused the
21 hair to stand up on the back of my neck. And that isn't
22 a physical term, that's an emotional term that
23 describes -- I just don't know how else to say it. It's
24 scary, you know, to imagine that -- I don't know.

25 Maybe other people are accustomed to being talked

State Objects: Witness lacks foundation for the
testimony; hearsay

1 to that way. I am not. I'm accustomed to being talked
2 to with respect, not because of my office, but because
3 I'm a woman and because I'm a human being and because of
4 the people that I associate with. They don't treat each
5 other that way. And so to have somebody call you -- and
6 it was obvious to me that it was a deliberate attempt to
7 intimidate me and to cause me to think twice about my
8 involvement in the process of the referendum.

9 Q. Now, during these phone calls, did anybody -- did you
10 hear anybody identify themselves as Krystal Mountaine?
11 Have you ever heard that name before?

12 A. A woman? No. No, all the people who called were men.

13 Q. Did any --

14 A. I didn't hear any women. And nobody identified
15 themselves by name except for these two (indicating).

16 Q. Did anyone identify themselves as being a member of the
17 special forces?

18 A. As in military? No.

19 Q. Did anybody threaten to actually kill you?

20 A. Well, to have somebody say these words (indicating) in
21 writing, I think that would be rather physically
22 damaging. Kill me dead, I'm not sure. But just to say,
23 your head has been up your ass way too long, I mean,
24 that would be a rather physical thing and certainly -- I
25 know it's an expression. However, it would have very

1 physical consequences.

2 Q. So did you feel that the phone calls were dehumanizing
3 enough that you did feel threatened?

4 A. Oh --

5 MR. STAFFORD: Objection; leading.

6 A. I felt threatened. Most definitely I felt threatened
7 and I felt that they were designed to do that. That was
8 the most unsettling part of it, was -- it wasn't the
9 actual words, it was the fact that they were designed to
10 intimidate me and to make me feel lowly. I don't know
11 if that's a word, but lowly is kind of the way that --
12 it made you feel dirty and a nonperson. It was very
13 demeaning.

14 Q. (by Mr. Pidgeon) Now, you've been in the Redacted
15 Redacted Do you recall any other Secretary of State
16 prior to Sam Reed releasing names and addresses of
17 petition signers?

18 A. Never. I have not, no. I have -- I find it very
19 difficult to believe, because of the prescription and
20 the requirements of somebody signing -- in other words,
21 you sign this under penalty of law -- or you sign this
22 under penalty of perjury, I think it's worded. And if
23 you sign twice or if you don't sign it exactly the way
24 you're registered to vote, it's thrown out. In other
25 words, I consider it to be an official document that you

State Objects: Witness lacks foundation for the
testimony; hearsay

1 are filing with the State.

2 And then to say that we should release that
3 information without -- like the PDC makes it very, very
4 clear that anything that you -- that's filed with the
5 PDC is a matter of public disclosure and it is a matter
6 of public record. That's made very, very clear.
7 There's nothing such as that on an initiative or a
8 referendum that makes it clear to the person who signs
9 that this -- your name may be made public. There's
10 nothing. And I've never heard of such a thing.

11 Q. Now, Washington Families Standing Together raised the
12 issue of [Redacted] which was apparently a [Redacted] that
13 was going to block discrimination at the state level
14 based on sexual orientation. Can you give me what your
15 understanding of the term "sexual orientation" means as
16 a matter of law, at least from a [Redacted] point of
17 view.

18 MS. EGELER: Objection; calls for a legal
19 conclusion.

20 THE WITNESS: I'm sorry; what?

21 MS. EGELER: Calls for legal conclusion.

22 Q. (by Mr. Pidgeon) Well, I'm not asking you to state what
23 the law is or to make a legal conclusion. I'm just
24 asking you what the term "sexual orientation" would mean
25 to you if you saw it in a bill.

1 A. It means that somebody chooses to engage in sexual
2 behavior that they would like to have given
3 consideration.

4 Q. So does sexual orientation include, for instance,
5 homosexuality?

6 A. I see the two as interchangeable.

7 Q. Would it also include polygamy?

8 A. I wouldn't -- I guess it could.

9 Q. How about child molestation?

10 A. It does not prescribe what it does include or what it
11 does not include, in my mind. It could include --
12 sexual orientation could include necrophilia.

13 Q. Now, let me ask you something about this act here, which
14 is marked as Exhibit 10, which was a Redacted

15 Redacted

16 A. Mm-hm.

17 Q. This is an act relating to prohibiting schools from
18 presenting homosexuality as positive, normal behavior.
19 And do you know whether or not there are any initiatives
20 currently in place -- did this -- first of all, did this
21 act pass?

22 A. No.

23 Q. Do you know whether or not it is the practice of the
24 schools in this state to promote homosexuality?

25 A. I know for a fact that here in Snohomish County,

1 children as young as 14 years of age were being
2 solicited to attend an opportunity to be introduced to
3 the lifestyle and they were solicited through the
4 school. The school allowed the solicitation.

5 And, in fact, there are newspaper articles, if
6 anyone would care to look it up, where another
7 Redacted -- another Redacted from Snohomish
8 County and I objected to that solicitation. And it was
9 a point of an article in the Redacted. And I
10 refer to that because, to be honest with you, I cannot
11 recall the name of the organization that put it
12 together. I know that there were several county
13 organizations that were sponsors.

14 Q. Do you know whether or not curriculum has been proposed
15 for special-education students, elementary-school
16 students, or even kindergarteners to introduce them to
17 the homosexual lifestyle?

18 A. I have not specifically seen it. I have been told that
19 in some schools, that has been done.

20 MR. PIDGEON: Okay. Okay, I have nothing further.

21 MS. EGELER: I have a few more questions.

22
23 FURTHER EXAMINATION

24 BY MS. EGELER:

25 Q. First, I wanted to ask you --

1 A. Are we going to have dinner?

2 Q. We might have to do that.

3 First, with respect to public records, in your Re
4 Redacted, has any Secretary of State ever
5 notified you when he or she received a public-records
6 request?

7 A. Yes.

8 Q. Can you tell me about that.

9 A. No. I mean, what can I -- what do you -- you want to
10 know what they requested? Or can -- or do you want me
11 to tell you about the fact that they notified my office?

12 Q. Yes, please, the fact --

13 A. Okay.

14 Q. -- that they notified you.

15 A. Well, they didn't notify me, they notified my office.
16 And that's why I say no so quickly, because my office
17 handles all of that and I just don't know the details.

18 Q. So when the Secretary of State receives a public-records
19 request, the Secretary of State always notifies your
20 office?

21 A. Yes.

22 Q. And is that true of other state agencies as well?

23 A. I would presume so.

24 Q. Do you know --

25 A. I don't know. I mean, maybe they're receiving them and

1 not notifying us. I don't know of those. But to my
2 knowledge, they are required. And I don't know -- you
3 probably know that RCW better than I do -- but I think
4 they're required by law to notify us. How else would
5 they get the records?

6 Q. For example, when the Secretary of State receives a
7 public-records request for disclosure of records that
8 are possessed by the Secretary of State's Office --

9 A. Oh, I'm sorry; I thought you meant they are contacting
10 our office to get the records.

11 Q. No. Rather, instead --

12 A. Oh, I'm sorry.

13 Q. -- looking at -- when the Secretary of State receives a
14 request for public disclosure --

15 A. Uh-huh.

16 Q. -- of records that are retained by the Secretary of
17 State's --

18 A. I see.

19 Q. -- Office, has any Secretary of State notified you or
20 your office that they have received the public-records
21 request?

22 A. Not if it doesn't pertain to us.

23 Q. Do you recall them ever notifying your office or you
24 when they've received a public-records request for
25 records maintained by the Secretary of State's Office?

1 A. That doesn't pertain to my office?

2 Q. Correct.

3 A. I wouldn't think so. I mean, it might have happened,
4 but I don't know why they would do -- why they would
5 notify us.

6 Q. Do you know, are, generally, the only things that are
7 public record things that people are informed if they
8 file this with the -- with a public agency, it will be
9 public record?

10 A. Say that again.

11 Q. That wasn't very clear, was it?

12 A. I don't know. I don't get -- I didn't hear it. That
13 didn't come -- I didn't hear it very clear.

14 Q. When people file something or send a letter to a public
15 office, is it your understanding that that letter, for
16 example, would only be a public record if the individual
17 were informed that it was going to be a public record?

18 A. Now, are you -- I don't know about Secretary of State,
19 if that's what you're asking me. But I can tell you in
20 our office, our office, some things are discoverable and
21 some are not.

22 Q. And my understanding in my work capacity is that the
23 Redacted rules are a bit different --

24 A. Yes.

25 Q. -- than other state agencies. Is that yours as well?

1 A. Yes.

2 Q. For example -- let's look at a real specific example.

3 If you wrote a letter to Attorney General McKenna --

4 A. Mm-hm.

5 Q. -- is it your understanding that that letter would be a
6 public record that someone could request from the
7 Attorney General's Office or would that be a private
8 communication?

9 A. I honestly don't know. That is probably something for a
10 discussion between Philadelphia lawyers. I don't know.

11 Q. So when you were talking about the fact that generally,
12 if something's going to be public that is filed with the
13 government, the public would be told that, were you
14 referring to things filed with the Redacted

15 A. I know where you're going with this line of questioning.
16 And what you're doing is, you're asking me, because
17 people do not know when they sign a petition that it is
18 going to --

19 Q. I'm not asking you --

20 A. Okay.

21 Q. -- that. I'm asking you about the fact that, as we
22 discussed a minute ago with respect to public records --

23 A. Yes.

24 Q. -- the Redacted is in a bit of a different situation
25 with respect to public records than all other state

1 agencies; correct?

2 A. Not all. Department of Social and Health Services, for
3 example, has -- their records -- their nondedacted (sic)
4 records are very specifically guarded from the public.

5 And so I honestly cannot tell you about other
6 agencies. I know that some things within the
7 [Redacted] are discoverable and some are not, and I
8 can't tell you which is which. But for the most part,
9 where an office is concerned, it is often a matter of
10 harassment to ask for records that are confidential, and
11 [Redacted] -- for example, [Redacted] -- communication
12 with [Redacted] are guarded, for example.

13 Q. So --

14 A. And so I'm not sure I'm answering your question. I
15 think you're above my pay grade.

16 Q. Well, you did make reference to something that I think
17 is special to the [Redacted] And you explained that a
18 little bit further, that con -- I'm sorry for being so
19 tongue-tied -- [Redacted]

20 A. Yes.

21 Q. -- when a [Redacted] writes you, [Redacted], a
22 letter, that is not necessarily going to be disclosed;
23 correct?

24 A. That is correct. And vice versa, if we write a letter
25 to a [Redacted]

1 Q. And in stating that, my understanding is that you don't
2 mean to be making a general statement about all letters
3 written to state agencies or all letters written to
4 people from state agencies; correct?

5 A. Correct.

6 Q. When is the last time that you campaigned for
7 reelection? What year was that?

8 A. Two years ago.

9 Q. So in 2008?

10 A. Mm-hm. Well, 2007. I was elected -- I campaigned in
11 2007, was elected, and serve -- started serving in 2008
12 the last time.

13 Q. And what Redacted are you in?

14 A. Redacted

15 Q. Do you recall if any of your campaign signs were stolen?

16 A. Oh, yes.

17 Q. Were there quite a few of those?

18 A. Uh-huh.

19 Q. Is that a yes?

20 A. Yes. That is a yes.

21 And --

22 Q. Did you --

23 A. -- some -- and one was burned --

24 Q. Oh, my goodness.

25 A. -- several times.

1 Q. Has that been your experience in all of your elections,
2 that --

3 A. I've never had one burned. That was a first. But yes,
4 often they are stolen, they are demolished.

5 Q. Have you ever had a campaign sign slashed with a knife?

6 A. Yes.

7 Q. And has that happened --

8 A. I mean, I don't know how they slashed it -- an ax, a
9 knife, I don't know -- but yes.

10 Q. And have you ever seen a sign for a Democrat that was
11 vandalized, slashed, or burned, destroyed in some way?

12 A. Never burned. I've never seen anybody else's sign
13 burned, especially as many times as mine was, the same
14 one. But -- same location. We replaced it and it would
15 be burned again. But, you know, I think I just saw one
16 the other day, and I'm trying to remember if it was -- I
17 don't know whose sign it was. Let's just say it was --
18 I don't know whose sign it was, if it was a Democrat or
19 a Republican. I don't know. But I did see one the
20 other day on I-5.

21 Q. Do you have any idea why someone would have burned your
22 sign?

23 A. None. Fire department would like to know too. Fact,
24 they called my office and wanted to know why I kept
25 putting the sign back up, because they had to go out and

1 put the fire out.

2 Q. Oh, my goodness.

3 I wondered on Exhibit No. 9, which is one of the
4 two letters that was faxed to you --

5 A. Yes.

6 Q. -- the last word before the "Thanks" --

7 A. Mm-hm.

8 Q. -- do you know what that word is?

9 A. I think it means taxes.

10 Q. Why --

11 A. Texas or taxes, I don't know.

12 Q. Do you know why this person would have asked about your
13 taxes?

14 A. I don't know. I have no idea. That was a real
15 curiosity. It doesn't fit any of the rest of the
16 letter.

17 Q. And in reading the rude language in the sentence that
18 precedes that --

19 A. Mm-hm.

20 Q. -- do you think that this individual literally thought
21 your head was up your ass, as they wrote, or do you
22 think that the individual was using an expression?

23 A. Well, I think there are some types of what I would
24 consider very uneducated people that would use that
25 language.

1 Q. I understand.

2 But --

3 A. But he's talking about the doctor.

4 Q. Yes.

5 A. So obviously, this is a physical thing. It doesn't
6 appear to be an expression. He's talking about next
7 time you consult your doctor. That would indicate to me
8 it's physical.

9 Q. But the sentence that says, "Your head has been up your
10 ass way too long," do you think that's physically
11 possible?

12 A. I didn't write the note.

13 MR. PIDGEON: Objection; calls for speculation.

14 Q. (by Ms. Egeler) Well, I'm going to ask you to
15 speculate.

16 A. I didn't write the note.

17 Q. But do you think this person --

18 A. Do I think this person thinks that?

19 Q. That that's physically possible or that they were using
20 that as a rude expression?

21 A. Well, as I say, you gotta take it in context. The next
22 time you consult a doctor, you should do -- you
23 shouldn't do your own rectal exam. Now, we're talking
24 about physical. I mean, I am thinking like you, that
25 this is probably an expression, but he's putting it in

1 the context of physical. So let me just put it this
2 way: I think it's meant to be intimidating. And you
3 have to take it in context.

4 Now, you take that part and then you put in the
5 taxes and you think, now, what does that have to do with
6 the rest of this? So I don't know. The person is not
7 rational, number one. That's all I can say.

8 Q. In Exhibit No. 8, if a Redacted -- and I don't even
9 want to use your name to suggest you'd ever propose such
10 Redacted But if you -- if someone in the
11 Redacted, for example, stating that
12 black children are barred from attending kindergarten
13 with white children, and if that Redacted received a
14 letter like this that called them a bigot, used the
15 words "untenable," "misguided," "backward," "tragic,"
16 "ignorant," and "wrong," would you think that this
17 language would be appropriate in that context?

18 A. They aren't mentioning anything about black children in
19 here.

20 Q. No, they're not.

21 So my --

22 A. I got --

23 Q. -- question to you is, if we had a Redacted that did
24 propose something like that, something segregating the
25 races, if that Redacted received a letter that used

1 the language in Exhibit No. 8, would this language be
2 appropriate in that context?

3 A. I believe it is wrong to label a [Redacted] based on
4 [Redacted] that they introduce.

5 Q. Do you believe it would be wrong -- if a [Redacted]
6 [Redacted] that stated that black children cannot
7 attend kindergarten with white children because of their
8 skin color, would it be wrong for a [Redacted] to call
9 that [Redacted] a bigot?

10 A. Yes, because the [Redacted] does not necessarily
11 reflect the attitude of the individual. Now, let me
12 phrase the question this way: If that [Redacted] were
13 to say that, I think this should happen, then I think
14 that maybe you could make the case that they were a
15 bigot. I think that's two different things. Now, maybe
16 I'm -- maybe this is just semantics; I'm not sure. But
17 usually you believe that the person who introduces
18 [Redacted] believes in what they are introducing. I
19 do, but I don't know that about everybody.

20 Q. Let's assume that the [Redacted] speaks publicly in
21 favor of this hypothetical bill that would bar black
22 kindergarten children from attending school with white
23 children and said, I firmly believe this, we should not
24 allow black children to mix with white. Would it in
25 that context be appropriate for a constituent to call --

1 A. The person --

2 Q. -- Redacted --

3 A. -- stating it?

4 Q. Yes.

5 -- a bigot, to state that their position is
6 untenable, misguided, and backwards?

7 A. You know, name-calling is a very low-life thing to do
8 and I don't like to call people names. And I think that
9 people who call other people names are -- I guess I
10 would have to agree, though. But I don't like to be
11 depicted in that manner myself, and so I would hesitate
12 to depict some other person as being that. I would want
13 to talk to them personally and see what they really
14 believe. So, you know --

15 Q. In that context, though, of our hypothetical bill that
16 treats black children and white differently --

17 A. Now, that's a different question. And then I would say
18 yes.

19 Q. Yes, it would be acceptable to make the statement that
20 the position is untenable, misguided, and backward?

21 A. I think so, yeah, mm-hm.

22 Q. And in that --

23 A. Misguided and backward, yeah, I think so.

24 Q. And in that context of our hypothetical bill that would
25 treat children differently, would it be --

1 A. Mm-hm.

2 Q. -- fair for a Redacted to say, I'm certain history
3 will perceive you in this light: Tragic, ignorant, and
4 wrong? In that context of our hypothetical bill
5 involving separation of races, would that statement be
6 acceptable?

7 A. This (indicating) doesn't have anything to do with race.

8 Q. This Exhibit No. 8 does not have anything to do with
9 race.

10 So I'm asking you, if we had a different situation
11 that involved race, not sexual orientation, would this
12 kind of language -- and I'm quoting from --

13 A. Yes.

14 Q. -- this --

15 A. I hear you.

16 Q. -- be appropriate? Would it be appropriate in that
17 context as opposed to this one?

18 MR. PIDGEON: I'm going to object to the moral-
19 equivalency --

20 A. Yeah.

21 MR. PIDGEON: -- argument.

22 Q. (by Ms. Egeler) And I'm not trying to equate anything
23 morally. I'm just asking you, in that context of our
24 hypothetical bill separating black and white children,
25 would -- this language stating, "I am certain history

1 will perceive you in this light: Tragic, ignorant &
2 wrong," in that context, would this language be
3 acceptable?

4 Or let me state it differently. In that context of
5 a bill trying to separate children of different races,
6 would you perceive it to be threatening for a
7 [Redacted] to express that they believe that history
8 will perceive our hypothetical [Redacted] as tragic,
9 ignorant, and wrong?

10 A. I think that the [Redacted] would be very entitled to
11 their opinion that history might reflect that. I might
12 agree or I might not agree. It depends totally on the
13 context. It's really difficult -- you have to
14 understand, this is not a rational person who wrote
15 this. This is not a rational statement. So you're
16 mixing apples and oranges in this -- you know, to my way
17 of thinking, the homosexual movement is a movement. It
18 is not a race. It is not about discrimination regarding
19 a race.

20 Q. And I understand. I'm not trying --

21 A. Okay.

22 Q. -- to equate the two things.

23 I'm asking --

24 A. Okay.

25 Q. -- would this language -- what I'm trying to get at is,

1 would this type of language be acceptable in any context
2 whatsoever? I mean, to remove it completely from
3 categorizing people, if the bill was to euthanize all
4 puppies in the state of Washington --

5 A. Careful. I -- be careful; I have a dog.

6 Q. There you go.

7 So --

8 A. And he's a member of the family.

9 Q. -- would it be threatening for a Redacted to express
10 that they find support of a bill to euthanize all
11 puppies in Washington to be untenable, misguided,
12 backward, tragic, ignorant, and wrong?

13 A. In that context, I would say it's okay for a Redacted
14 to say that if they want to, yes. In that context,
15 yeah. It takes it out -- it gives it a different
16 connotation. And I understand where you're going. It's
17 just that too often, the homosexual movement tries to
18 paint themselves as a downtrodden -- as a woman, I am a
19 minority. Homosexuals are not. And they want to put
20 themselves in that category and I object to that.

21 Q. I understand.

22 A. Okay.

23 Q. On both Exhibits 8 and 9, the letters show the fax
24 number that the letter was sent to as Redacted And
25 I'm confused by that, because my understanding is that

1 you forwarded a phone line to the fax. So I'm
2 wondering, how would they know what fax number they were
3 sending --

4 A. They didn't. They didn't.

5 Q. Is that the fax number that they were sending it --

6 A. No.

7 Q. -- to?

8 A. They were sending it to my phone line -- I mean, they
9 began to believe that they had received the wrong number
10 for a phone, because when they called it, they got a fax
11 tone back in their ear. So they thought -- they
12 concluded, then, that that was my fax number, but, in
13 fact, it is not.

14 Q. I understand.

15 A. Does that make sense?

16 Q. Absolutely.

17 And Mr. Pidgeon asked you if the phone calls that
18 you did pick up threatened physical harm to you, harm to
19 your physical safety or emotional safety. And I heard
20 you answer -- please correct me if I'm wrong -- that you
21 felt that it was a threat to your emotional safety; is
22 that right?

23 A. Yes.

24 Q. Did you feel that there was an expression of harm to
25 your physical safety or just emotional safety?

1 A. You know, I have tried to remember, and quite honestly,
2 I don't remember. A threat to your physical safety
3 would be very emotional. And what I remember is the
4 emotion. I don't remember -- I didn't think somebody
5 was going to shoot me. I didn't get that. That wasn't
6 my fear. And my fear was what it was doing to me
7 emotionally.

8 Q. And isn't it possible that someone could say things that
9 were quite disturbing, that would upset you greatly
10 emotionally, even if physical harm wasn't threatened?

11 A. Oh, yes, certainly. And you have to realize, as a
12 **Redacted** I've got pretty thick skin.

13 Q. So have you had rude phone calls from **Redacted** or
14 from anyone in your **Redacted** other than these phone
15 calls?

16 A. Well, my office has, and certainly that's why security
17 was called. We've had people come to my office who I
18 think we could categorize as not mentally all there, and
19 we've had some of those kinds of things. To my home, I
20 do remember receiving calls in a prior time from
21 homosexuals, and I cannot remember if it was in regard
22 to **Redacted** I'm not certain.

23 Q. Do you remember --

24 A. But I do remember that I had received them before and I
25 would hang up the phone on them. I never listened to

1 the entire harangue.

2 Q. Do you know when that was, those --

3 A. No --

4 Q. -- other calls?

5 A. -- I can't remember. I really can't. It didn't upset
6 me like this did, I will say that, because there were so
7 many of them and it was in a short period of time. And
8 then when you get -- I mean, you know, for somebody to
9 document this kind of thing is very unsettling. And
10 like I said, after this many years of being a
11 Redacted, I've got pretty thick skin.

12 Q. When your office has received calls in the past from
13 angry or rude individuals --

14 A. Uh-huh.

15 Q. -- do you recall any issues that generated those sorts
16 of calls?

17 A. No. Like I said, we've even had people walk into the
18 office that my aide has felt threatened by and would
19 call security.

20 Q. And have you always been pleased by the response of the
21 State Patrol to those situations, those --

22 A. Well --

23 Q. -- calls?

24 A. -- it isn't always State Patrol. Sometimes it's on-
25 campus security. But yes, I've always been -- yeah,

1 they've always -- they take very good care of us.

2 Q. And are they prompt in responding?

3 A. Very prompt. They're right there on campus and they're
4 very prompt.

5 I do remember feeling intimidated years and years
6 ago. We had an initiative -- or we objected to a Redacted
7 Redacted And there were hundreds of people for
8 and against, and I remember being very intimidated at
9 that time by -- I was in the House at that time -- by
10 homosexuals who were there to -- in favor of the
11 Redacted . I can't remember what the Redacted was,
12 but it was to further special rights for homosexuals, I
13 do remember that.

14 Q. Do you remember what people did that you found to be
15 intimidating?

16 A. Spitting and in your face -- it was a very tight
17 hallway, as I remember. There was a lot of State
18 Patrol, a lot of people on both sides of the issue, so
19 it was -- the hallway was very packed. That was the
20 year that there were -- the only year in history that I
21 know of -- and I'm thinking I'm right -- ever in history
22 that there were so many testifying that the test --
23 there was such a large audience that it had to be moved
24 to the Redacted out of the hearing room. And I
25 remember that.

1 That time is very vivid in my mind. It was a very
2 frightening time. But I was a [Redacted] then and
3 not accustomed to, you know, that kind of treatment.

4 Q. So that would have been in the '90s, then.

5 A. '90s, yeah. Probably '93, '95, right in there.

6 Q. And did the State Patrol do a good job of controlling
7 that --

8 A. Yes.

9 Q. -- crowd?

10 A. Yes. I mean, as good they -- as well as they could.
11 They got that many people, it was difficult. Like I
12 said, they had to move them out of the [Redacted] over
13 to the -- or out of the hearing room over to the [Red
14 [Redacted]

15 Q. And when they did that, were they able to -- was the
16 State Patrol able to control the crowd?

17 A. I believe there were some people in the balcony that had
18 to be escorted out. But yes, they did. They did what
19 they needed to do.

20 Q. So if anyone was out of control, the State Patrol took
21 them out.

22 A. Mm-hm.

23 Q. Yes?

24 A. Yes; sorry.

25 MS. EGELER: Okay, that's it for my questions.

1 Thank you.

2 MR. STAFFORD: Steve, did you have any questions?

3 MR. DIXSON: No, I'm good. Thank you.

4 MR. STAFFORD: And I have just a couple of
5 questions.

6

7 FURTHER EXAMINATION

8 BY MR. STAFFORD:

9 Q. Could I ask you to take a look at Exhibit No. 7.

10 A. I didn't write the numbers. Okay, there we are. Yes.

11 Q. And I'm just going to read the first paragraph here.

12 A. Okay.

13 Q. Redacted

14 Redacted

15 Redacted Did I read that correctly?

16 A. Mm-hm.

17 Q. Do you consider that to be name-calling?

18 MR. PIDGEON: Objection; calls for a legal
19 conclusion.

20 A. You mean the word "homosexual"?

21 Q. (by Mr. Stafford) I refer to the phrase "depraved
22 lifestyle" in reference to homosexuals.

23 A. No.

24 Q. And why don't you consider that to be name-calling?

25 A. It's talking about a lifestyle, it's not talking about

1 individuals. It's depicting a lifestyle, depraved
2 lifestyle. It's not calling them depraved, it's talking
3 about the lifestyle.

4 Q. So in your view, someone can engage in a depraved
5 lifestyle and not be depraved themselves?

6 A. I think so, mm-hm.

7 Q. And would you think -- or in your view, is saying that
8 somebody has a depraved lifestyle dehumanizing towards
9 that person?

10 A. No. I think that humans can have a depraved lifestyle.

11 MR. STAFFORD: Okay, thank you.

12 THE WITNESS: Mm-hm.

13

14 FURTHER EXAMINATION

15 BY MR. PIDGEON:

16 Q. I've got just a couple more questions and then we can
17 get out of here and go get some dinner, I think.

18 A. Okay.

19 Q. Exhibit 9.

20 A. Yes.

21 Q. On this last phrase, "Oh yea what about your taxes,"
22 now, is Jim Richardson your accountant or CPA?

23 A. No. Neither is Jim Brown.

24 Q. Neither one of them. They're -- neither one, okay.

25 And then here they said, "Next time" you "consult a

1 Dr." They're not referring to Dr. Barry Brumitt, are
2 they?

3 A. Could be. I have no idea. In fact, that's very
4 interesting that you bring that up, because I did think
5 of that. I thought, hm, coincidence. This (indicating)
6 is kind of an add-on. I don't know. It'd be
7 interesting to have an analyst analyze that. I have no
8 idea.

9 Q. Now, let me -- I wanted to -- as to Exhibit 8, I want to
10 ask you another hypothetical concerning that.

11 A. Okay.

12 Q. If you would take -- hypothetically, if you were looking
13 at Nazi Germany and you were arguing against the
14 majority position that was in favor of the Final
15 Solution and the extermination of Jewry in Europe and
16 their -- you know, their incarceration in concentration
17 camps, would you be concerned if a person you knew to be
18 a Brown Shirt sent you a fax like this calling you a
19 bigot, tragic, ignorant, and wrong?

20 A. Yes, because there is an obvious lack of understanding
21 of the homosexual movement. And this person -- would
22 you rephrase the question.

23 Q. Sure.

24 If you were --

25 A. I want to get it --

1 Q. Let's --

2 A. -- right.

3 Q. Let's say you were living in Nazi Germany -- you were a

4 Redacted in Nazi Germany.

5 A. Okay.

6 Q. And it's 1942.

7 A. Okay.

8 Q. So the Nazis are firmly ensconced in power.

9 A. And I'm not one of them.

10 Q. And you're not one of them. In --

11 A. Oh, thank you.

12 Q. -- fact, somebody --

13 A. Okay.

14 Q. -- comes -- somebody comes into --

15 A. Okay.

16 Q. -- the Reichstag and says, we propose the Final Solution
17 that will kill all the Jews we have in concentration
18 camps.

19 A. Yes.

20 Q. And you took a position opposed to that publicly.

21 A. Yes.

22 Q. Would you feel intimidated if you received a fax from a
23 person that you knew to be a Brown Shirt calling you a
24 bigot, tragic, ignorant, and wrong?

25 A. I'd be scared to death.

1 Q. Given the context.

2 A. Given the context and knowing their agenda and knowing
3 what they had done to other people and that this was the
4 kind of language that they used, yes.

5 Q. So the context, then, is very critical in terms of
6 understanding why such a thing as this would be
7 threatening; isn't that right?

8 A. Yes, most certainly. And that is -- you've hit the nail
9 right on the head. That's exactly the issue, is the
10 context. Taking things separately -- just sitting here
11 in this room, this (indicating) isn't intimidating.

12 But to receive it in the context of what we were
13 trying to do, the other messages that I had received, et
14 cetera, and hearing from other people of death threats
15 that they had received from the homosexual community,
16 people who had -- well, a friend of mine was a
17 Redacted many years ago, fought this very issue, and
18 told of how they would call his home and describe in
19 detail -- and he didn't hang the phone up, he listened.
20 I guess men do that.

21 But he listened to the descriptions of what they
22 were going to do to his son and -- very, very
23 intimidating. And he did not run for reelection. He
24 served one term and that was it. And I know that
25 because he's a personal friend. And because of that,

1 it -- in the context -- and as you -- you're describing
2 a context. It gives it a different flavor in my mind
3 and what it does to me.

4 MR. PIDGEON: Okay, I have nothing further.

5 MS. EGELER: I have just a couple questions.

6
7 FURTHER EXAMINATION

8 BY MS. EGELER:

9 Q. At the top of --

10 A. I gotta quit talking here.

11 Q. At the top of Exhibit 9 --

12 A. Mm-hm.

13 Q. -- on the right-hand side of the paper, there's a 206
14 phone number: 206-329-1334.

15 A. Mm-hm.

16 Q. Do you think that that's the phone number that the fax
17 was sent from?

18 A. I think it's the fax number.

19 Q. That it was sent from.

20 A. Yes.

21 Q. And then on the top of Exhibit 8 there's a fax number:
22 206-876-1702. Do you think that was the fax number --

23 MR. PIDGEON: Excuse me; I think that's 1701.

24 THE WITNESS: Yeah.

25 MS. EGELER: Thank you very much.

1 Q. (by Ms. Egeler) 1701.

2 Do you think that's the fax number it was sent
3 from?

4 A. Yes, but let me qualify that. I believe in the case of
5 some machines you can program in the number that you
6 want to be reflective of what -- the number it's coming
7 from. You can put in a different name if you wanted to,
8 you could put in a different date if you wanted to. So
9 I don't know. I -- you -- taking it at face value, I
10 would say that's what that is; however, I do know that
11 those can be changed. On mine, for example, I choose
12 not to have anything across the top.

13 Q. So it purports to be the fax number it was sent from --

14 A. Yes.

15 Q. -- but we don't really know.

16 A. No.

17 Q. And on Exhibit 8, we have the name of an individual and
18 an address and an Email account.

19 A. Yes.

20 Q. And I assume, again, it could be the name, address, and
21 Email of the individual, but we don't really know;
22 correct?

23 A. No, correct. Just like we don't know this person is
24 really a doctor.

25 Q. And on Exhibit No. 9, we don't know if this came from

1 Jim Richardson or Jim Brown, the names that appear at
2 the top.

3 A. No. Anyone who would send a message like this, I find
4 it very difficult to believe that -- I believe that it
5 was done out of frustration because they couldn't get
6 through to my number. They got a fax. And it was my
7 thought at the time that this was done out of
8 frustration. And I doubt seriously that they thought
9 far enough ahead to change the footprint at the top, but
10 who knows.

11 Q. But you didn't ask the State Patrol or local police to
12 check into this to see if these individuals sent it or
13 to ask these individuals to stop it?

14 A. No.

15 Q. And why is that? Why didn't you contact the State
16 Patrol or local police --

17 A. Well --

18 Q. -- given --

19 A. -- I think I answered that question before to say that
20 rather than tie up their time to come to my home to
21 investigate something that was obviously sent by people
22 who were, to use the expression, shooting from the hip
23 did not seem logical or reasonable. If they had been,
24 as I said, parked outside my gate or in some way
25 physically present, spitting in my face, that kind of

1 thing, I certainly would have called them. If this had
2 gone any farther than this, if it hadn't stopped when it
3 did, I would have.

4 Q. And I assume that, if either of these exhibits or the
5 phone calls voiced a threat that they were going to come
6 and harm you, that you would let the police know about
7 that.

8 A. Most certainly.

9 MS. EGELER: Okay, no further questions.

10 MR. STAFFORD: Nothing further for me.

11 MS. EGELER: I think we're finally done.

12
13 (Whereupon the deposition
14 concluded at 4:36 p.m.)

15 (Upon agreement by the parties,
16 the reading and signing of the
17 deposition was waived by the
18 deponent.)
19
20
21
22
23
24
25

CERTIFICATE

STATE OF WASHINGTON)
)
COUNTY OF SNOHOMISH)

I, the undersigned Notary Public in and for the
State of Washington, do hereby certify:

That the foregoing is a full, true, and correct
transcript of the testimony of the witness named herein,
including all objections, motions, and exceptions;

That the witness before examination was by me duly
sworn to testify truthfully and that the transcript was made
available to the witness for reading and signing upon
completion of transcription, unless indicated herein that the
witness waived signature;

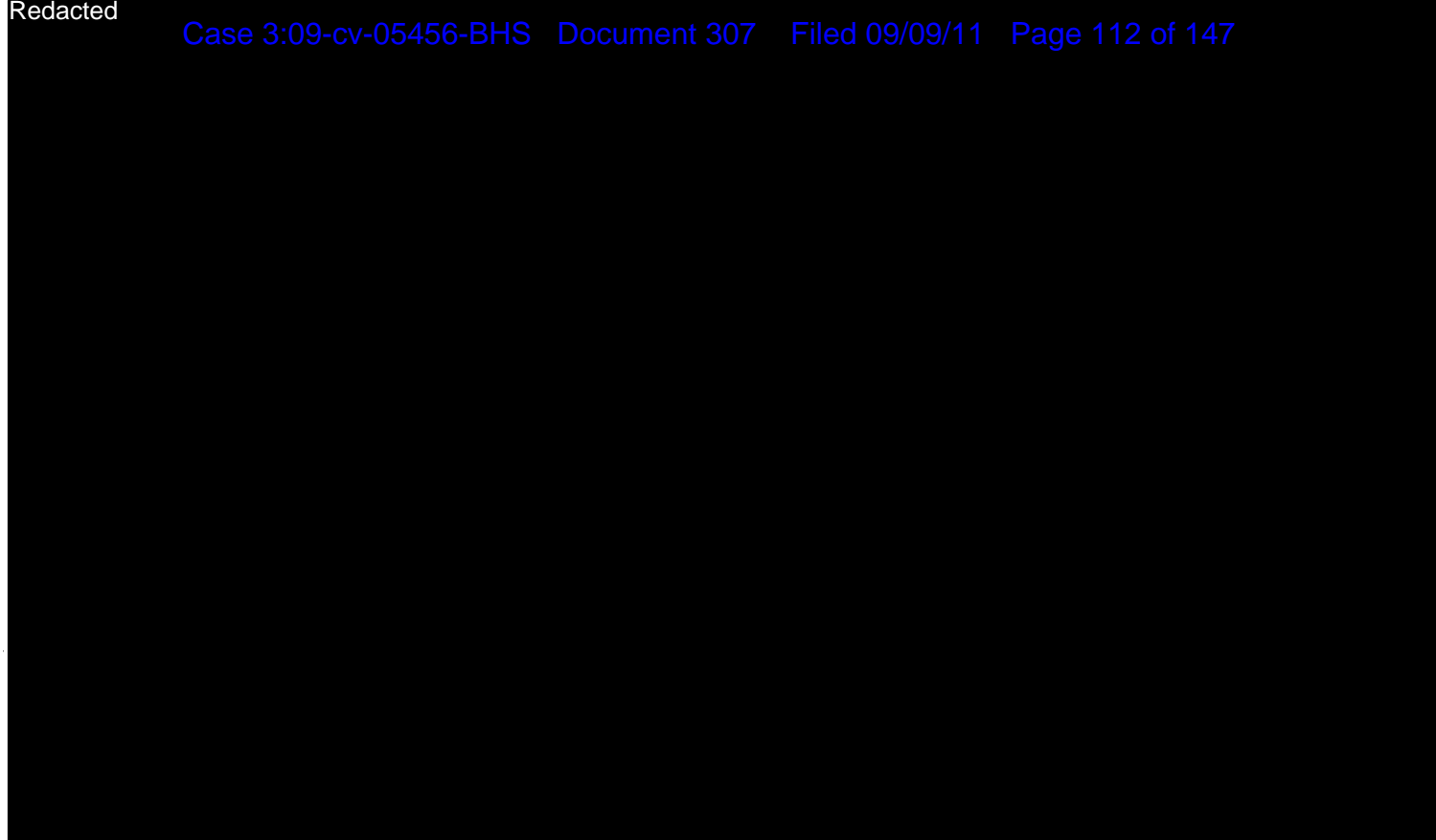
That I am not a relative or employee of any party
to this action or of any attorney or counsel for said action
and that I am not financially interested in the said action
or the outcome thereof;

That I am sealing the original of this transcript
and promptly delivering the same to the ordering attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and
seal this 12th day of October, 2010.

Notary Public in and for the State of Washington
residing at Edmonds, Washington.
(Notary expires 3/09/13)
(CCR No. 2699)

Exhibit One



...and ...
...and ...

Exhibit Two

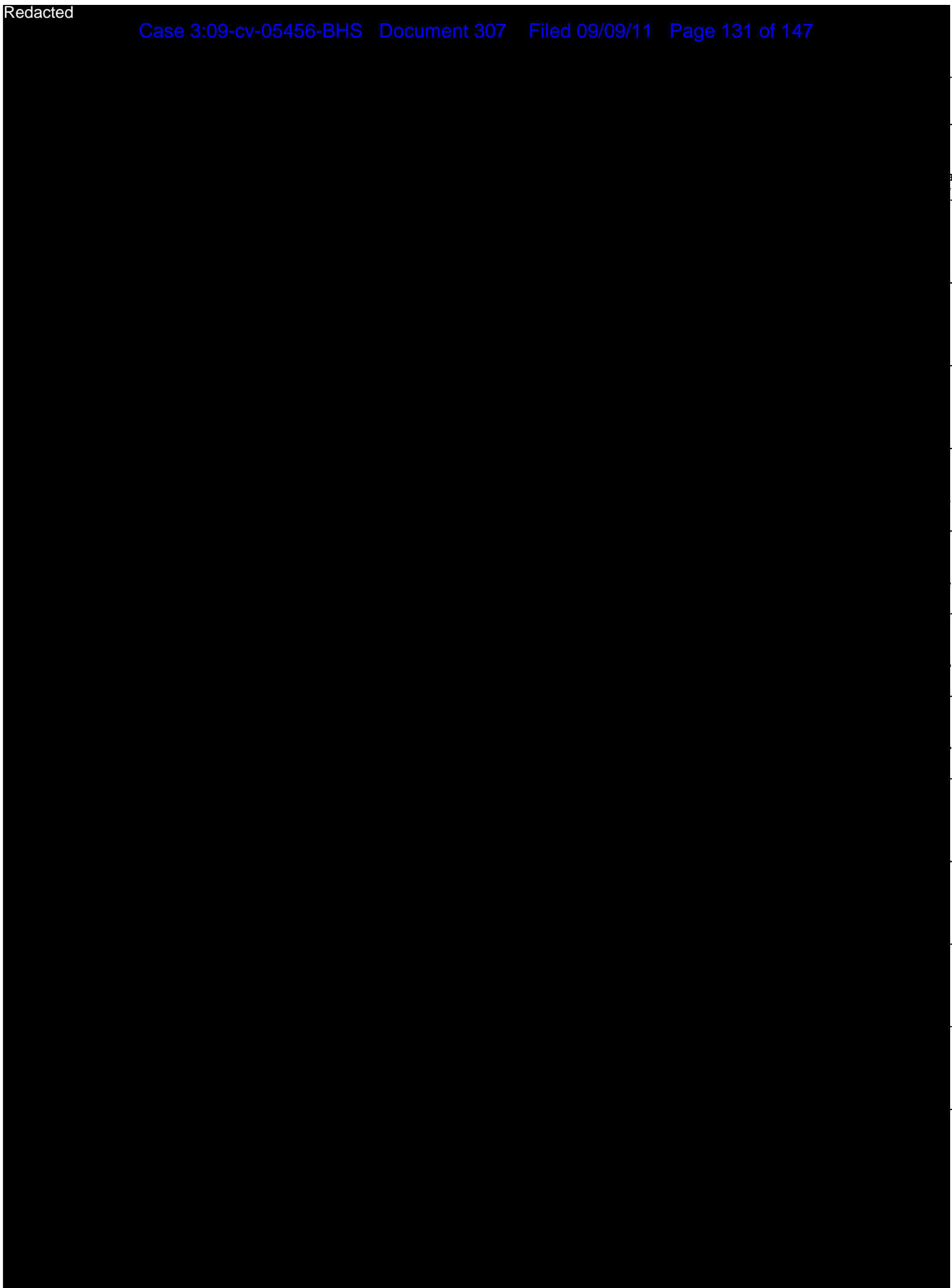
Exhibit Three

Exhibit Four

[illegible]

Exhibit Five

Exhibit Six



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Exhibit Seven

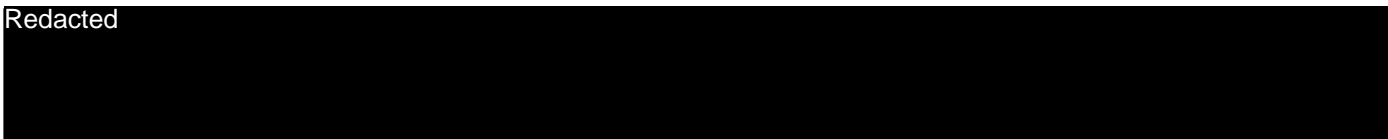
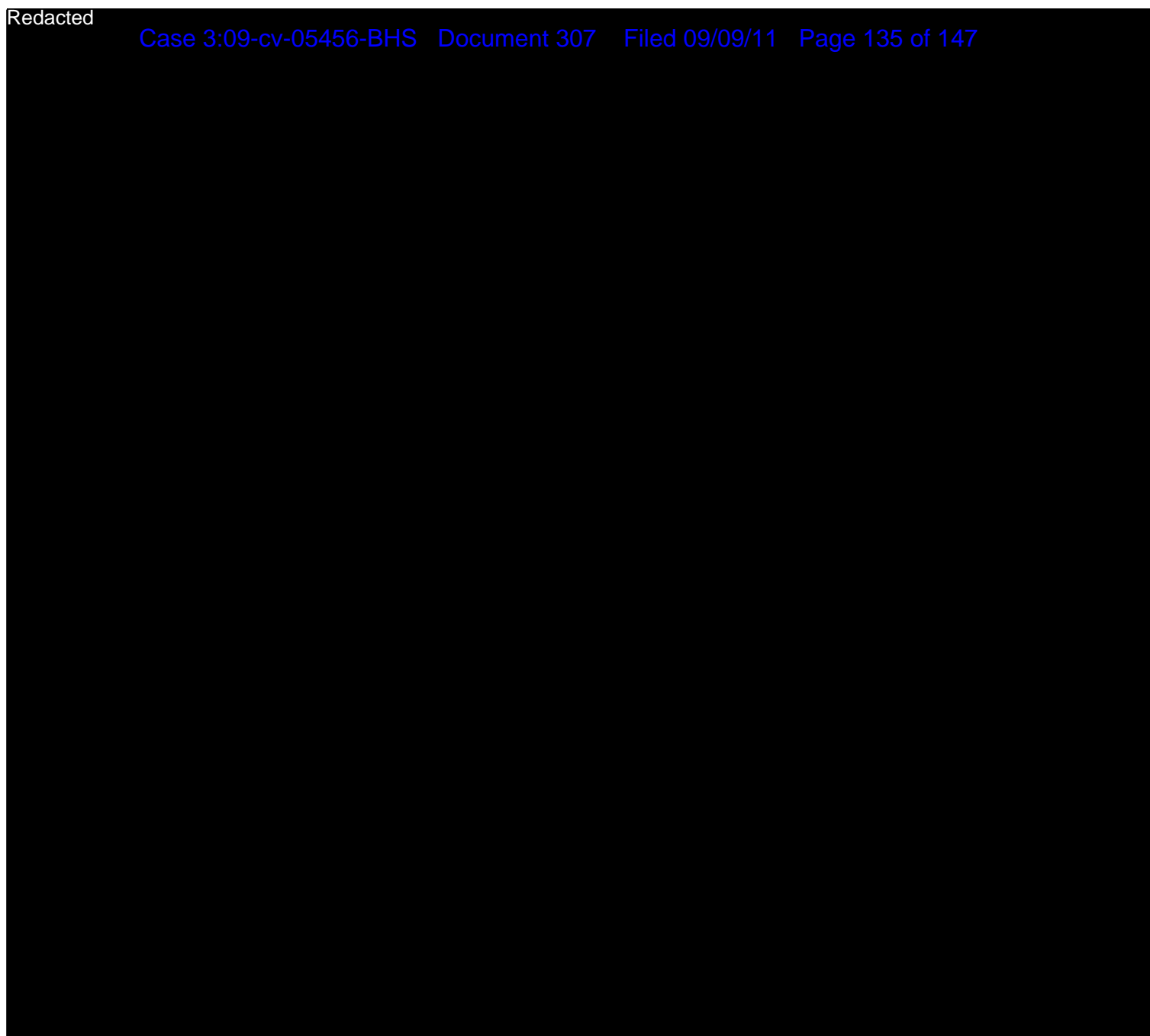


Exhibit Eight

11/27/9

Dr. Barry Brumitt
910 17th Ave E
Seattle, WA 98112
barryb@gmail.com

Redacted

Redacted

Redacted

Redacted

I just read your note on the [Redacted] and I am surprised to find you supporting such an untenable, misguided & backward cause.

Your position and tone sounds like the bus driver in Mississippi who insisted that blacks should sit in the back of the bus - and I am certain history will perceive you in this light: tragic, ignorant & cowardly.

I feel nothing but pity for you.

I hope you will release your fear, hate & judgement and join me in this country.

A completely heterosexual, happily engaged, and fortunately unbigotted, [Signature]

who is reading this: I hope one of you who knows that your boss is wrong will have the courage to show her this note. Thanks.

Redacted

Exhibit Nine

Redacted

Redacted

next time consult a Dr.
you shouldnt do your own
rectal exams. Your head
has been up your ass
way too long.

Oh yea what about your
Texes

Thanks



Redacted

Exhibit Ten

Redacted



Redacted



